



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRBs0320/1  
PJH&CMH:all

**SENATE SUBSTITUTE AMENDMENT 1,  
TO SENATE BILL 82**

February 9, 2016 - Offered by Senator WANGGAARD.

1     **AN ACT to repeal** 346.74 (5) (e), 940.49, 967.02 (title), 967.02 (3) and (4), 967.02  
2           (8), 967.03, 967.06 (title), 967.06 (2) (b), 967.07, 968.01 (1) (c), 968.02 (2), 968.02  
3           (3), 968.02 (4), 968.03 (title) and (3), 968.03 (1), 968.04 (1) (a), 968.04 (2) (title),  
4           968.04 (2) (c), 968.04 (3) (title), 968.04 (3) (a) 8., 968.04 (3) (b) 3. a., 968.04 (3)  
5           (b) 3. b. (intro.), 968.04 (3) (b) 4., 968.06 (title), 968.085 (2) (a) to (f), 968.09 (2),  
6           968.12 (3) (e), 969.001 (2), 969.01 (2) (title), 969.02 (title), (1), (2), (3) (a), (b), (c)  
7           and (d), (4), (4m), (5), (7), (7m) and (8), 969.03, 969.05, 969.08 (1), (2), (3) and  
8           (4), 969.09 (title), (1) and (3), 969.14, 970.01 (title), 970.01 (2), 970.02 (title),  
9           970.02 (1) (intro.), 970.02 (3), 970.02 (4), 970.032 (title), 971.04 (1) (a), 971.06  
10          (2), 971.06 (3), 971.07, 971.08 (3), 971.225 (1) (b), 971.29 (3), 971.30 (title) and  
11          (1), 971.31 (title), 971.31 (1), 971.31 (5) (a), 971.31 (7), 971.31 (8), 971.31 (10),  
12          972.02 (title), 972.04 (2), 972.10 (1) (a) (intro.), 972.10 (2), 972.10 (3), 972.10 (4),  
13          972.10 (6), 972.115 (title), 972.13 (title), 972.13 (6), 972.14 (1) (ag), 973.049 (1)

1 (b), 973.20 (1g), 974.05 (3), 977.076 (1), 979.05 (title), 979.06 (title), (1), (2) and  
2 (5), 979.07 and 979.08 (2); **to renumber** 967.02 (intro.), 967.02 (5), 967.057,  
3 967.08 (title), 967.10, 967.11, 968.01 (1) (intro.), (a) and (b), 968.04 (2) (b),  
4 968.04 (3) (b) (title), 968.075 (title), 968.075 (1), 968.075 (2) (ar), 968.075 (2) (b),  
5 968.075 (3), 968.075 (4), 968.075 (6) to (9), 968.085 (3) (intro.), 968.085 (3) (c),  
6 968.085 (6), 968.12 (4), 968.13 (1) (b), (c) and (d), 968.135 (title), 968.14, 968.16,  
7 968.17, 968.18, 968.20 (title), 968.20 (1r), 968.21, 968.22, 968.23, 968.24,  
8 968.255 (title), 968.255 (2) (intro.), 968.255 (5), 968.265, 968.27 (2), 968.27 (5),  
9 968.27 (8), 968.27 (10), 968.27 (12) and (13), 968.27 (14), 968.27 (14g), 968.27  
10 (15), 968.27 (17), 968.33, 968.373, 968.505 (title), 969.01 (title), 969.08 (5) (a),  
11 969.08 (5) (b) 2., 969.08 (5) (b) 5., 969.08 (6), 969.08 (9), 969.08 (10), 969.12,  
12 969.13, 970.03 (title), 970.03 (2), (3), (4), (5) and (6), 970.032 (2) (a), (b) and (c),  
13 970.04, 970.05, 971.027, 971.03, 971.04 (title), 971.12 (title), 971.16, 971.18,  
14 971.225 (title), 971.26, 971.34, 971.36, 971.365, 972.09, 972.10 (title), 972.10 (1)  
15 (a) 2., 972.11 (title), 972.11 (4), 972.13 (4), 972.13 (7), 972.15, 973.18 (title),  
16 973.18 (5), 973.19 (title) and 979.08 (title); **to renumber and amend** 801.50  
17 (5t), 967.02 (1), 967.02 (2), 967.02 (6), 967.02 (7), 967.04 (title), (1), (2), (3), (4),  
18 (5) and (6), 967.04 (7) (a), 967.04 (7) (b), 967.04 (8), 967.04 (9), 967.04 (10),  
19 967.05, 967.055, 967.06 (3), 967.08 (1), 967.08 (2) (intro.), 967.08 (2) (a) to (d),  
20 967.08 (3) (intro.), 967.08 (3) (a) to (f), 967.09, 968.01 (title), 968.01 (2), 968.01  
21 (3), 968.01 (4), 968.02 (title) and (1), 968.03 (2), 968.04 (title), 968.04 (1) (intro.),  
22 968.04 (1) (b), 968.04 (1) (c), 968.04 (1) (d), 968.04 (2) (a), 968.04 (3) (a) (intro.),  
23 968.04 (3) (a) 1. to 6., 968.04 (3) (a) 7., 968.04 (3) (b) 1., 968.04 (3) (b) 2., 968.04  
24 (3) (b) 3. (intro.), 968.04 (3) (b) 3. b. (form), 968.04 (4), 968.05, 968.06, 968.07,  
25 968.073, 968.075 (2) (a), 968.075 (2) (am), 968.075 (2m), 968.075 (5), 968.08,

1 968.085 (title), 968.085 (1), 968.085 (2) (intro.), 968.085 (3) (a), 968.085 (3) (b),  
2 968.085 (3) (d), 968.085 (4), 968.085 (5), 968.085 (7), 968.085 (8), 968.09 (title),  
3 968.09 (1), 968.10, 968.11, 968.12 (title), 968.12 (1), 968.12 (3) (title), 968.12 (3)  
4 (b), 968.13 (title), 968.13 (1) (intro.), 968.13 (1) (a), 968.13 (2), 968.135, 968.15,  
5 968.19, 968.20 (1), 968.20 (1g), 968.20 (1m), 968.20 (2), 968.20 (3) and (4),  
6 968.205, 968.25, 968.255 (1), 968.255 (2) (ag), (am), (ar), (b), (c), (d) and (e),  
7 968.255 (3), 968.255 (4), 968.255 (6), 968.255 (7), 968.256, 968.26, 968.27  
8 (intro.), 968.27 (1), 968.27 (3), 968.27 (4), 968.27 (6), 968.27 (7), 968.27 (9),  
9 968.27 (11), 968.28, 968.29, 968.30, 968.31, 968.32, 968.34, 968.35, 968.36,  
10 968.37, 968.38, 968.40 (title), 968.40 (1), 968.40 (3), 968.40 (4), 968.40 (6), (7)  
11 and (8), 968.41, 968.42, 968.43, 968.44, 968.45 (title), 968.45 (1), 968.45 (2),  
12 968.46, 968.47, 968.48, 968.49, 968.50, 968.505, 968.51, 968.52, 968.53, 969.001  
13 (intro.), 969.001 (1), 969.01 (1), 969.01 (2) (a), 969.01 (2) (d), 969.01 (2) (e),  
14 969.01 (3), 969.01 (4), 969.02 (2m), 969.02 (3) (e), 969.02 (6), 969.035, 969.04,  
15 969.065, 969.07, 969.08 (title), 969.08 (5) (b) 1., 969.08 (5) (b) 3., 969.08 (5) (b)  
16 4., 969.08 (7), 969.08 (8), 969.08 (9m), 969.09 (2), 969.11, 970.01 (1), 970.02 (1)  
17 (a), 970.02 (2), 970.02 (7), 970.02 (8), 970.03 (1), 970.03 (7), (8) and (9), 970.03  
18 (10), (12), (13) and (14), 970.032 (1), 970.032 (2) (intro.), 970.035, 970.038,  
19 971.01, 971.02, 971.04 (1) (intro.), 971.04 (1) (b), (c), (d), (e), (f), (g) and (h),  
20 971.04 (2), 971.04 (3), 971.05, 971.06 (1), 971.08 (1) (a), 971.12 (1) and (2), 971.12  
21 (3), 971.12 (4), 971.13, 971.14, 971.15, 971.165, 971.17, 971.19, 971.20, 971.22,  
22 971.223, 971.225 (1) (intro.), (a) and (c), 971.225 (2), 971.23, 971.27, 971.29  
23 (title), 971.29 (1), 971.29 (2), 971.31 (2), 971.31 (3), 971.31 (4), 971.31 (6), 971.31  
24 (9), 971.31 (11), 971.31 (12), 971.31 (13), 971.315, 971.32, 972.02 (1), 972.02 (2),  
25 972.02 (3), 972.02 (4), 972.03, 972.07, 972.08, 972.085, 972.10 (1) (a) 1., 972.10

1 (1) (b), 972.10 (5), 972.10 (7), 972.11 (1), 972.11 (2), 972.11 (2m) (a) (intro.) and  
2 1., 972.11 (2m) (b), 972.11 (2m) (bm), 972.11 (2m) (c) (intro.), 1m., 2m. and 3m.,  
3 972.11 (3), 972.11 (3m), 972.115 (1), 972.115 (2), 972.115 (4) and (5), 972.12,  
4 972.13 (1), 972.13 (2), 972.13 (3), 972.13 (5), 972.14 (title), (2), (2m) and (3),  
5 973.18 (1), 973.18 (2), (3) and (4), 973.19 (1) (a), 973.19 (1) (b), 973.19 (2), (3),  
6 (4) and (5), 977.076 (2), 979.04, 979.05 (1), 979.05 (2), 979.05 (3), 979.05 (4),  
7 979.05 (5), (6) and (7), 979.06 (3), (4) and (6), 979.08 (1), 979.08 (3) (a), 979.08  
8 (3) (b), 979.08 (5), 979.08 (6) and 979.08 (7); **to consolidate, renumber and**  
9 **amend** 967.06 (1) and (2) (a), 968.12 (2) and (3) (a) and (d), 968.12 (3) (c) and  
10 (f), 968.27 (16) (intro.), (a) and (b), 969.01 (2) (b) and (c), 970.02 (1) (b) and (6),  
11 970.02 (1) (c) and (5), 971.11 (2) and (3), 971.30 (2) (intro.), (a), (b) and (c), 971.31  
12 (5) (b) and (c), 972.11 (2m) (a) 2. (intro.), a. and b., 972.14 (1) (intro.) and (b),  
13 973.049 (1) (intro.) and (a) and 979.08 (3) (intro.) and (4); **to amend** 6.10 (7m)  
14 (a) (intro.), 6.10 (7m) (a) 2., 13.35 (2), 16.84 (2), 17.16 (7) (b), 20.435 (2) (bj),  
15 20.550 (1) (f), 23.33 (4c) (b) 3., 23.56 (1), 23.65 (2), 29.921 (6), 29.938 (2), 29.972  
16 (1) (a), 29.972 (1) (c), 30.681 (2) (c), 46.10 (2), 48.31 (2), 48.396 (2) (dr), 48.78 (2)  
17 (d) 1., 48.981 (1) (b), 48.981 (7) (a) 14m., 49.138 (1m) (c), 51.05 (2), 51.20 (1) (am),  
18 51.20 (16) (j), 51.30 (4) (b) 8m., 51.30 (4) (b) 12m., 51.37 (1), 51.37 (4), 51.37 (9),  
19 51.375 (1) (a), 51.42 (3) (as) 1m., 51.42 (3) (as) 1r., 51.42 (3) (aw) 1. d., 51.437  
20 (4rm) (a), 51.87 (3), 55.075 (intro.), 59.34 (2) (a), 66.0113 (3) (e), 66.0114 (1) (a),  
21 66.0139 (4) and (5), 69.18 (2) (f) 3., 71.78 (4) (n), 77.61 (12) (b), 93.17 (2), 102.13  
22 (5), 103.005 (20), 103.10 (1m) (b) 1., 110.001 (1m), 110.07 (2m), 110.07 (4), 111.07  
23 (2) (b) 2., 128.16 (2), 133.15 (2), 134.43 (3), 139.20 (2), 139.39 (5) (b), 146.81 (4),  
24 146.82 (2) (c), 154.30 (3) (a) 2., 165.76 (1) (bm), 165.76 (1) (br), 165.76 (1) (g),  
25 165.76 (1m), 165.76 (4) (a) and (b), 165.76 (4) (c), 165.765 (1m), 165.765 (2) (a)

1 1., 165.77 (2) (b), 165.77 (2m) (c), 165.77 (3), 165.77 (4) (am) 1., 165.77 (4) (am)  
2 2. (intro.), 165.77 (4) (am) 2. a., b. and d., 165.79 (1), 165.81 (1), 165.81 (3) (a)  
3 1. and 2., (b) and (f), 165.84 (7) (am) 1m. c., 167.10 (8) (b), 169.42 (2) (b), 173.10,  
4 173.12 (1m), 175.55 (2), 175.60 (3) (d), 175.60 (3) (e), 175.60 (9g) (a) 2., 175.60  
5 (11) (a) 2. b., 175.60 (11) (a) 2. c., 175.60 (11) (a) 2. g., 175.60 (11) (a) 2. i., 175.60  
6 (14) (am), 195.048 (2), 196.207 (3) (e), 196.48 (1) (b), 230.81 (2), 251.16, 252.11  
7 (5m), 252.11 (7), 252.15 (2m) (b) 3., (3m) (d) 14. and (4) (c), 301.03 (3c), 301.03  
8 (7m), 301.45 (1g) (c), 301.45 (1g) (d), 301.45 (1g) (dd), 301.45 (1g) (e), 301.45 (1m)  
9 (b), 301.45 (1m) (be), 301.45 (1m) (bm), 301.45 (1m) (bv), 301.45 (1m) (d) 1.,  
10 301.45 (1m) (e) (intro.), 301.45 (1p) (b), 301.45 (3) (a) 3., 301.45 (3) (b) 3., 301.45  
11 (5) (a) 3., 301.45 (5) (b) 3., 301.45 (6) (a) 2. a., 301.45 (6) (ag) 2. a., 301.45 (6) (bm),  
12 301.45 (7) (f) 4., 301.46 (3) (d), 301.47 (3) (b) 1., 301.48 (2) (a) 4., 301.48 (2) (a)  
13 5., 302.113 (9) (e), 302.114 (9) (d), 304.06 (3), 322.0767 (1) (a), 322.0767 (1) (b),  
14 322.0767 (1) (c), 322.0767 (1) (d), 322.0767 (2) (a), 322.0767 (2) (b), 322.0767 (2)  
15 (c), 322.0767 (2) (d), 322.0767 (2) (e), 343.305 (9) (c), 345.20 (1) (a), 345.20 (2)  
16 (c), 345.28 (3) (a), 345.28 (5) (b) 1., 345.31, 346.63 (2) (am), 346.63 (6) (b), 350.101  
17 (2) (c), 551.602 (5) (b), 553.55 (3) (b), 601.62 (5) (b), 631.95 (1) (c), 704.16 (1) (b)  
18 4., 704.16 (1) (b) 7., 704.16 (3) (b) 2. d., 704.16 (3) (b) 2. g., 756.06 (2) (a), 756.06  
19 (2) (c), 757.54 (2) (a) 1., 757.54 (2) (a) 2., 757.69 (1) (b), 757.69 (1) (i), 758.171,  
20 767.87 (4) (b), 781.04 (1), 800.035 (8), 801.02 (7) (a) 2. c., 801.02 (7) (a) 2. e.,  
21 801.52, 807.05, 808.04 (3), 808.04 (4), 808.075 (4) (b) 4., 808.075 (4) (g) 1.,  
22 808.075 (4) (g) 2., 808.075 (4) (g) 7., subchapter III (title) of chapter 809  
23 [precedes 809.30], 809.30 (title), 809.30 (1) (a), 809.30 (1) (b) 4., 809.30 (1) (c),  
24 809.30 (1) (e), 809.30 (2) (a), 809.30 (2) (d), 809.31 (6), 814.22 (1) (intro.), 814.69  
25 (1) (a), 885.01 (2), 885.15 (2), 885.24 (2), 885.25 (2m), 885.365 (1), 885.64 (2),

1 891.39 (1) (b), 891.39 (2) (b), 893.93 (1) (d), 895.01 (1) (am) 7., 895.34, 895.446  
2 (4), 895.45 (1) (a), 895.46 (9) (a) (intro.) and 2. and (b) (intro.) and 2., 895.54,  
3 901.01, 901.04 (1), 901.04 (3) (cm), 901.05 (3), 904.04 (1) (b), 904.04 (2) (b) 1.,  
4 904.06 (1), 906.08 (1) (intro.), 906.08 (2), 907.06 (5), 908.08 (5) (am), 908.08 (5)  
5 (b), 908.08 (6), 911.01 (1), 911.01 (4) (b), 911.01 (4) (c), 938.183 (1) (ar), 938.183  
6 (1m) (b), 938.195 (1) (a), 938.293 (2), 938.30 (2), 938.30 (3), 938.30 (5) (c) (intro.),  
7 938.30 (5) (d) (intro.), 938.30 (5) (e) 1. (intro.), 938.31 (2), 938.31 (3) (a) 4., 938.31  
8 (3) (d), 938.315 (2), 938.35 (1) (cm), 938.396 (1) (a), 938.396 (2g) (dr), 938.535,  
9 938.78 (2) (d) 1., 939.60, 939.615 (2) (a), 939.615 (3) (d), 939.621 (1) (a), 939.621  
10 (2), 939.74 (1), 939.74 (3), 939.74 (4), 940.09 (1m) (a), 940.09 (1m) (b), 940.225  
11 (4) (intro.), 940.25 (1m) (b), 940.32 (2m) (d), 940.48 (intro.), 941.28 (5), 941.29  
12 (3), 943.245 (3m), 943.51 (3r), 946.49 (1) (intro.), 946.49 (2), 946.52, 946.60 (1),  
13 946.86 (2), 946.87 (2) (am), 948.015 (9), 948.31 (5), 948.50 (5), 949.165 (1) (a),  
14 949.165 (9), 950.04 (1v) (d), 950.04 (1v) (dL), 950.04 (1v) (do), 950.04 (1v) (e),  
15 950.04 (1v) (em), 950.04 (1v) (er), 950.04 (1v) (g), 950.04 (1v) (L), 950.04 (1v) (m),  
16 950.04 (1v) (p), 950.04 (1v) (pd), 950.04 (1v) (qm), 950.04 (1v) (s), 950.04 (1v)  
17 (um), 950.04 (1v) (x), 950.04 (2w) (f), 950.055 (2) (b), 950.08 (2g) (c), 950.08 (2g)  
18 (e), 950.08 (2g) (h), 950.08 (2r) (intro.), 950.08 (2w), 951.01 (4), 961.48 (2m) (a),  
19 961.48 (2m) (b) (intro.), 967.01, 968.375 (4), 969.02 (7m), 969.10, 971.08 (title),  
20 971.08 (1) (d), 971.095 (2) and (3), 971.105, 971.11 (1), 971.11 (5), 971.11 (6),  
21 971.11 (7), 971.38 (1), 971.39 (1) (intro.), 972.01, 972.03 (title), 972.04 (1),  
22 972.06, 973.013 (4), 973.015 (2m) (c) (intro.), 973.017 (6m) (a) 2., 973.03 (3) (b),  
23 973.03 (3) (e) 2., 973.03 (4) (d), 973.03 (5) (a) 1., 973.03 (5) (a) 2., 973.042 (4),  
24 973.043 (2), 973.045 (2), 973.046 (2), 973.048 (5), 973.05 (3) (b), 973.05 (4) (b),  
25 973.05 (4) (c), 973.05 (5) (a) 1., 973.05 (5) (a) 2., 973.05 (5) (c), 973.05 (5) (d),

1 973.05 (5) (e), 973.055 (2) (a), 973.06 (1) (av) 2. a. and b., 973.06 (1) (h), 973.076  
2 (1) (b) 1., 973.076 (2m) (b), 973.08 (5), 973.09 (2) (a) 1. b., 973.09 (3) (b), 973.09  
3 (3) (bg) 2. and 4., 973.09 (3) (bm) 4., 973.09 (7m) (a), 973.10 (2m), 973.135 (3),  
4 973.20 (1r), 973.20 (9m), 973.20 (11) (a), 973.20 (12) (c), 974.02, 974.05 (1)  
5 (intro.), 974.05 (1) (a), (b), (c) and (d) (intro.), 1. and 2., 974.05 (2), 974.06 (title),  
6 (1), (2) and (3) (intro.), (a), (b) and (d), 974.06 (4), 974.06 (5), (6), (7) and (8),  
7 974.07 (4) (b), 974.07 (7) (b) 1., 974.07 (9) (a), 974.07 (10) (a) 4., 977.02 (2m),  
8 977.02 (3) (intro.), 977.02 (4r), 977.03 (2m), 977.05 (4) (gm), 977.05 (4) (h),  
9 977.05 (4) (j), 977.05 (6) (b) 2., 977.05 (6) (e) (intro.) and 2., 977.06 (2) (a), 977.06  
10 (2) (am), 977.06 (3) (b), 977.07 (1) (a), 977.07 (1) (c), 977.07 (2m), 977.08 (2)  
11 (intro.), 978.045 (1r) (cm), 978.05 (3), 978.05 (4), 978.05 (6) (a), 978.08 (1) (a) and  
12 (b) and (2), 979.02, 979.025 (1), 979.025 (2), 979.09, 979.10 (2), 979.11, 979.22,  
13 980.015 (2) (c), 980.031 (4), 980.036 (2) (c), 980.036 (6) and 995.50 (7); **to repeal**  
14 **and recreate** chapter 969 (title), chapter 970 (title), chapter 971 (title), 971.08  
15 (1) (b), 971.09 and 972.04 (title); and **to create** 48.315 (4), 175.27 (title), 809.30  
16 (2) (m), 904.045 (title), 938.18 (10), 938.21 (2) (f), 967.025 (title), 967.025 (2),  
17 967.025 (3), 967.025 (5), 967.025 (7), 967.025 (8), 967.025 (10), 967.025 (11),  
18 967.025 (14), 967.025 (15), 967.025 (16), 967.025 (17), 967.12 (3), 967.13 (1) (a)  
19 and (b), 967.13 (1) (i), 967.14 (1) (dm), 967.14 (2), 967.14 (4), 967.21 (2) (title),  
20 967.21 (3) (title), 967.21 (4) (title), 967.21 (5) (title), 967.21 (6) (title), 967.22  
21 (title), subchapter I (title) of chapter 968 [precedes 968.015], 968.025 (title),  
22 968.025 (3), 968.025 (4) (title), 968.025 (4) (e), 968.035 (title), subchapter II  
23 (title) of chapter 968 [precedes 968.105], subchapter III (title) of chapter 968  
24 [precedes 968.155], subchapter IV (title) of chapter 968 [precedes 968.305],  
25 subchapter V (title) of chapter 968 [precedes 968.455], subchapter VI (title) of

1 chapter 968 [precedes 968.465], 968.465 (5), 968.475 (2) (a), 968.475 (2) (e),  
2 968.475 (3), 968.485 (title), 968.585 (4m), 968.585 (7) (cm), subchapter VII  
3 (title) of chapter 968 [precedes 968.605], subchapter VIII (title) of chapter 968  
4 [precedes 968.705], 968.705 (2), (3) and (6), 968.71, subchapter I (title) of  
5 chapter 969 [precedes 969.15], 969.15, 969.19, 969.20 (2), 969.20 (6), 969.20 (7)  
6 (title), 969.21 (title), 969.24 (2m), 969.26 (title), 969.26 (3), subchapter II (title)  
7 of chapter 969 [precedes 969.30], 969.30 (3) to (7), 969.31 (3), 969.31 (4), 969.32,  
8 969.33 (title), 969.33 (1) (L), 969.33 (2), 969.33 (3), 969.33 (4), 969.33 (5) to (7),  
9 969.37, 969.38, 969.41, subchapter III (title) of chapter 969 [precedes 969.50],  
10 969.50 (2) and (3), subchapter I (title) of chapter 970 [precedes 970.06], 970.08  
11 (2), 970.09 (2), 970.10 (title), (1) and (3), 970.13 (3), 970.14 (13), 970.15,  
12 subchapter II (title) of chapter 970 [precedes 970.21], subchapter I (title) of  
13 chapter 971 [precedes 971.013], 971.015 (title), 971.015 (1) (title), 971.015 (1)  
14 (b), 971.015 (2), 971.015 (4), 971.028 (intro.), 971.028 (1m) and (4), 971.035,  
15 971.038, 971.042 (7) (intro.), subchapter II (title) of chapter 971 [precedes  
16 971.06], 971.065, 971.08 (1) (ag), 971.08 (1) (am), 971.093, subchapter III (title)  
17 of chapter 971 [precedes 971.098], 971.098, subchapter IV (title) of chapter 971  
18 [precedes 971.43], subchapter V (title) of chapter 971 [precedes 971.65], 971.65  
19 (title), 971.65 (2) (title) and (a), 971.66, 971.68 (title), (1) and (3), subchapter VI  
20 (title) of chapter 971 [precedes 971.75], 971.75 (title), 971.75 (2), 971.75 (4),  
21 971.75 (6), 971.75 (7), 971.75 (9), 971.76, 971.77 (title), subchapter VII (title) of  
22 chapter 971 [precedes 971.80], 972.025 (title) and (1), 972.04 (3), 972.065 (title),  
23 972.075, 972.16 (1) and (2), 972.18 (title), 972.18 (1) (cm), 972.19, 972.20 (title),  
24 972.22 (title), 972.23 (title), 972.23 (2) and (3), 972.24, 972.25, 972.26, 972.28

1 (title), 972.29 (title), 974.08 (title), 974.08 (1), 974.08 (2) and (3) and 974.09  
2 (title) of the statutes; **relating to:** criminal procedure and providing penalties.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

3 **SECTION 1.** 6.10 (7m) (a) (intro.) of the statutes is amended to read:

4 6.10 (7m) (a) (intro.) The residence of a person who is detained, or committed  
5 and institutionalized, under s. 51.20, ~~971.14~~ 971.81, or ~~971.17~~ 971.85 or ch. 980 shall  
6 be determined by applying the standards under sub. (1) to whichever of the following  
7 dates is applicable to the circumstances of the person:

8 **SECTION 2.** 6.10 (7m) (a) 2. of the statutes is amended to read:

9 6.10 (7m) (a) 2. For a person committed under s. ~~971.14~~ 971.81 or ~~971.17~~  
10 971.85, the date of the offense or alleged offense that resulted in the person's  
11 commitment.

12 **SECTION 3.** 13.35 (2) of the statutes is amended to read:

13 13.35 (2) The immunity provided under sub. (1) is subject to the restrictions  
14 under s. ~~972.085~~ 967.18.

15 **SECTION 4.** 16.84 (2) of the statutes is amended to read:

16 16.84 (2) Appoint such number of police officers as is necessary to safeguard  
17 all public property placed by law in the department's charge, and provide, by  
18 agreement with any other state agency, police and security services at buildings and  
19 facilities owned, controlled, or occupied by the other state agency. The governor or  
20 the department may, to the extent it is necessary, authorize police officers employed  
21 by the department to safeguard state officers, state employees, or other persons. A  
22 police officer who is employed by the department and who is performing duties that  
23 are within the scope of his or her employment as a police officer has the powers of a

1 peace officer under s. 59.28, except that the officer has the arrest powers of a law  
2 enforcement officer under s. ~~968.07~~ 969.16 regardless of whether the violation is  
3 punishable by forfeiture or criminal penalty. The officer may exercise the powers of  
4 a peace officer and the arrest powers of a law enforcement officer while located  
5 anywhere within this state. Nothing in this subsection limits or impairs the duty of  
6 the chief and each police officer of the police force of the municipality in which the  
7 property is located to arrest and take before the proper court or magistrate persons  
8 found in a state of intoxication or engaged in any disturbance of the peace or violating  
9 any state law in the municipality in which the property is located, as required by s.  
10 62.09 (13).

11 **SECTION 5.** 17.16 (7) (b) of the statutes is amended to read:

12 17.16 (7) (b) The immunity provided under par. (a) is subject to the restrictions  
13 under s. ~~972.085~~ 967.18.

14 **SECTION 6.** 20.435 (2) (bj) of the statutes is amended to read:

15 20.435 (2) (bj) *Competency examinations and treatment, and conditional*  
16 *release, supervised release, and community supervision services.* Biennially, the  
17 amounts in the schedule for outpatient competency examinations and treatment  
18 services; and for payment by the department of costs for treatment and services for  
19 persons released under s. 980.06 (2) (c), 1997 stats., s. 980.08 (5), 2003 stats., or s.  
20 ~~971.17~~ 971.85 (3) (d) or (4) (e) or 980.08 (4) (g) or for persons who are inmates of the  
21 department of corrections who are released on community supervision, for which the  
22 department has contracted with county departments under s. 51.42 (3) (aw) 1. d.,  
23 with other public agencies, or with private agencies to provide the treatment and  
24 services.

25 **SECTION 7.** 20.550 (1) (f) of the statutes is amended to read:

1           20.550 (1) (f) *Transcripts, discovery, and interpreters.* The amounts in the  
2 schedule for the costs of interpreters and discovery materials and for the  
3 compensation of court reporters or clerks of circuit court for preliminary  
4 examination, trial, and appeal transcripts, and the payment of related costs under  
5 s. ~~967.06 (3)~~ 977.072.

6           **SECTION 8.** 23.33 (4c) (b) 3. of the statutes is amended to read:

7           23.33 (4c) (b) 3. ‘Related charges.’ A person may be charged with and a  
8 prosecutor may proceed upon a complaint based upon a violation of any combination  
9 of subd. 1., 2., or 2m. for acts arising out of the same incident or occurrence. If the  
10 person is charged with violating any combination of subd. 1., 2., or 2m. in the  
11 complaint, the crimes shall be joined under s. ~~971.12~~ 970.13. If the person is found  
12 guilty of any combination of subd. 1., 2., or 2m. for acts arising out of the same  
13 incident or occurrence, there shall be a single conviction for purposes of sentencing  
14 and for purposes of counting convictions under sub. (13) (b) 2. and 3. Subdivisions  
15 1., 2., and 2m. each require proof of a fact for conviction which the others do not  
16 require.

17           **SECTION 9.** 23.56 (1) of the statutes is amended to read:

18           23.56 (1) A person may be arrested for a violation of those statutes enumerated  
19 in s. 23.50 (1), any administrative rules promulgated thereunder, any rule of the  
20 Kickapoo reserve management board under s. 41.41 (7) (k), or any local ordinances  
21 enacted by any local authority in accordance with s. 23.33 (11) (am) or 30.77, after  
22 a warrant that substantially complies with s. ~~968.04~~ 969.20 has been issued. Except  
23 as provided in sub. (2), the person arrested shall be brought without unreasonable  
24 delay before a court having jurisdiction to try the action.

25           **SECTION 10.** 23.65 (2) of the statutes is amended to read:

1           23.65 (2) The complaint shall be prepared in the form specified in s. 23.55.  
2           After a complaint is prepared, it shall be filed with the judge and a summons shall  
3           be issued or the complaint shall be dismissed pursuant to s. ~~968.03~~ 969.20. Such  
4           filing commences the action.

5           **SECTION 11.** 29.921 (6) of the statutes is amended to read:

6           29.921 (6) SEARCH WARRANTS; SUBPOENAS. In executing search warrants and  
7           subpoenas under this chapter where the penalty for the violation is a forfeiture, the  
8           department shall use procedures which comply with ss. ~~968.12~~ 968.465, 968.485,  
9           968.495, 968.506, 968.605, 968.615, and ~~968.135 to 968.19~~ 968.705.

10          **SECTION 12.** 29.938 (2) of the statutes is amended to read:

11          29.938 (2) Property turned over to the department under s. ~~968.20 (3)~~ 175.27  
12          (1).

13          **SECTION 13.** 29.972 (1) (a) of the statutes is amended to read:

14          29.972 (1) (a) Fails to respond to a summons under s. 23.66 (3) or 23.67 (4), or  
15          a warrant or summons under s. ~~968.04~~ 969.20.

16          **SECTION 14.** 29.972 (1) (c) of the statutes is amended to read:

17          29.972 (1) (c) Fails to appear before the court and is subject to a bench warrant  
18          under s. ~~968.09~~ 969.50.

19          **SECTION 15.** 30.681 (2) (c) of the statutes is amended to read:

20          30.681 (2) (c) *Related charges.* A person may be charged with and a prosecutor  
21          may proceed upon a complaint based upon a violation of any combination of par. (a)  
22          or (b) 1., 1m., or 2. for acts arising out of the same incident or occurrence. If the person  
23          is charged with violating any combination of par. (a) or (b) 1., 1m., or 2. in the  
24          complaint, the crimes shall be joined under s. ~~971.12~~ 970.13. If the person is found  
25          guilty of any combination of par. (a) or (b) 1., 1m., or 2. for acts arising out of the same

1 incident or occurrence, there shall be a single conviction for purposes of sentencing  
2 and for purposes of counting convictions under s. 30.80 (6) (a) 2. and 3. Paragraphs  
3 (a) and (b) 1., 1m., and 2. each require proof of a fact for conviction which the others  
4 do not require.

5 **SECTION 16.** 46.10 (2) of the statutes is amended to read:

6 46.10 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person,  
7 including but not limited to a person admitted, committed, protected, or placed under  
8 s. 975.01, 1977 stats., s. 975.02, 1977 stats., s. 975.17, 1977 stats., s. 55.05 (5), 2003  
9 stats., and or s. 55.06, 2003 stats., and ss. or s. 51.10, 51.13, 51.15, 51.20, 51.35 (3),  
10 51.37 (5), 51.45 (10), (11), (12) and (13), 55.05, 55.055, 55.12, 55.13, 55.135, 971.14  
11 971.81 (2) and (5), 971.17 971.85 (1), 975.06 and or 980.06, receiving care,  
12 maintenance, services and supplies provided by any institution in this state  
13 including University of Wisconsin Hospitals and Clinics, in which the state is  
14 chargeable with all or part of the person's care, maintenance, services and supplies,  
15 any person receiving care and services from a county department established under  
16 s. 51.42 or 51.437 or from a facility established under s. 49.73, and any person  
17 receiving treatment and services from a public or private agency under s. 980.06 (2)  
18 (c), 1997 stats., s. 980.08 (5), 2003 stats., or s. 971.17 971.85 (3) (d) or (4) (e) or 980.08  
19 (4) (g) and the person's property and estate, including the homestead, and the spouse  
20 of the person, and the spouse's property and estate, including the homestead, and,  
21 in the case of a minor child, the parents of the person, and their property and estates,  
22 including their homestead, and, in the case of a foreign child described in s. 48.839  
23 (1) who became dependent on public funds for his or her primary support before an  
24 order granting his or her adoption, the resident of this state appointed guardian of  
25 the child by a foreign court who brought the child into this state for the purpose of

1 adoption, and his or her property and estate, including his or her homestead, shall  
2 be liable for the cost of the care, maintenance, services and supplies in accordance  
3 with the fee schedule established by the department under s. 46.03 (18). If a spouse,  
4 widow or minor, or an incapacitated person may be lawfully dependent upon the  
5 property for their support, the court shall release all or such part of the property and  
6 estate from the charges that may be necessary to provide for those persons. The  
7 department shall make every reasonable effort to notify the liable persons as soon  
8 as possible after the beginning of the maintenance, but the notice or the receipt  
9 thereof is not a condition of liability.

10 **SECTION 17.** 48.31 (2) of the statutes is amended to read:

11 48.31 (2) The hearing shall be to the court unless the child, the child's parent,  
12 guardian, or legal custodian, the unborn child's guardian ad litem, or the expectant  
13 mother of the unborn child exercises the right to a jury trial by demanding a jury trial  
14 at any time before or during the plea hearing. If a jury trial is demanded in a  
15 proceeding under s. 48.13 or 48.133, the jury shall consist of 6 persons. If a jury trial  
16 is demanded in a proceeding under s. 48.42, the jury shall consist of 12 persons unless  
17 the parties agree to a lesser number. Chapters 756 and 805 shall govern the selection  
18 of jurors. If the hearing involves a child victim or witness, as defined in s. 950.02,  
19 the court may order that a deposition be taken by audiovisual means and allow the  
20 use of a recorded deposition under s. ~~967.04 (7) to (10) and, with the district attorney,~~  
21 ~~shall comply with s. 971.105~~ 967.22. At the conclusion of the hearing, the court or  
22 jury shall make a determination of the facts, except that in a case alleging a child or  
23 an unborn child to be in need of protection or services under s. 48.13 or 48.133, the  
24 court shall make the determination under s. 48.13 (intro.) or 48.133 relating to  
25 whether the child or unborn child is in need of protection or services that can be

1 ordered by the court. If the court finds that the child or unborn child is not within  
2 the jurisdiction of the court or, in a case alleging a child or an unborn child to be in  
3 need of protection or services under s. 48.13 or 48.133, that the child or unborn child  
4 is not in need of protection or services that can be ordered by the court, or if the court  
5 or jury finds that the facts alleged in the petition have not been proved, the court shall  
6 dismiss the petition with prejudice.

7 **SECTION 18.** 48.315 (4) of the statutes is created to read:

8 48.315 (4) The court and the representative of the public under s. 48.09 shall  
9 take appropriate action to ensure a speedy fact-finding and dispositional hearing in  
10 order to minimize the time during which any victim of the abuse or neglect addressed  
11 at the hearing or any witness, as defined in s. 950.02 (5), who is a child must endure  
12 the stress of his or her involvement in the proceeding. In ruling on any motion or  
13 other request for any continuance or delay of the proceedings, the court shall consider  
14 and give weight to any adverse impact the delay or continuance may have on the  
15 well-being of the victim or any child witness.

16 **SECTION 19.** 48.396 (2) (dr) of the statutes is amended to read:

17 48.396 (2) (dr) Upon request of the department of corrections or any other  
18 person preparing a presentence investigation under s. ~~972.15~~ 973.004 to review court  
19 records for the purpose of preparing the presentence investigation, the court shall  
20 open for inspection by any authorized representative of the requester the records of  
21 the court relating to any child who has been the subject of a proceeding under this  
22 chapter.

23 **SECTION 20.** 48.78 (2) (d) 1. of the statutes is amended to read:

24 48.78 (2) (d) 1. The subject of a presentence investigation under s. ~~972.15~~  
25 973.004.

1           **SECTION 21.** 48.981 (1) (b) of the statutes is amended to read:

2           48.981 (1) (b) “Community placement” means probation; extended supervision;  
3 parole; aftercare; conditional transfer into the community under s. 51.35 (1);  
4 conditional transfer or discharge under s. 51.37 (9); placement in a Type 2 residential  
5 care center for children and youth or a Type 2 juvenile correctional facility  
6 authorized under s. 938.539 (5); conditional release under s. ~~971.17~~ 971.85;  
7 supervised release under s. 980.06 or 980.08; participation in the community  
8 residential confinement program under s. 301.046, the intensive sanctions program  
9 under s. 301.048, the corrective sanctions program under s. 938.533, the intensive  
10 supervision program under s. 938.534, or the serious juvenile offender program  
11 under s. 938.538; or any other placement of an adult or juvenile offender in the  
12 community under the custody or supervision of the department of corrections, the  
13 department of health services, a county department under s. 46.215, 46.22, 46.23,  
14 51.42, or 51.437 or any other person under contract with the department of  
15 corrections, the department of health services or a county department under s.  
16 46.215, 46.22, 46.23, 51.42, or 51.437 to exercise custody or supervision over the  
17 offender.

18           **SECTION 22.** 48.981 (7) (a) 14m. of the statutes is amended to read:

19           48.981 (7) (a) 14m. A judge conducting proceedings under s. ~~968.26~~ 968.105.

20           **SECTION 23.** 49.138 (1m) (c) of the statutes is amended to read:

21           49.138 (1m) (c) A member of the family was a victim of domestic abuse, as  
22 defined in s. ~~968.075~~ 969.27 (1) (a).

23           **SECTION 24.** 51.05 (2) of the statutes is amended to read:

24           51.05 (2) ADMISSIONS AUTHORIZED BY COUNTIES. The department may not accept  
25 for admission to a mental health institute any resident person, except in an

1 emergency, unless the county department under s. 51.42 in the county where the  
2 person has residence authorizes the care under s. 51.42 (3) (as). Patients who are  
3 committed to the department under s. 975.01, 1977 stats., or s. 975.02, 1977 stats.,  
4 or s. ~~971.14, 971.17~~ 971.81, 971.85, 975.06, or 980.06, admitted by the department  
5 under s. 975.17, 1977 stats., or are transferred from a juvenile correctional facility  
6 or a secured residential care center for children and youth to a state treatment  
7 facility under s. 51.35 (3) or from a jail or prison to a state treatment facility under  
8 s. 51.37 (5) are not subject to this section.

9 **SECTION 25.** 51.20 (1) (am) of the statutes is amended to read:

10 51.20 (1) (am) If the individual has been the subject of inpatient treatment for  
11 mental illness, developmental disability, or drug dependency immediately prior to  
12 commencement of the proceedings as a result of a voluntary admission, a  
13 commitment or protective placement ordered by a court under this section ~~or~~, s.  
14 55.06, 2003 stats., s. ~~971.17~~ 971.85, or ch. 975, or a protective placement or protective  
15 services ordered under s. 55.12, or if the individual has been the subject of outpatient  
16 treatment for mental illness, developmental disability, or drug dependency  
17 immediately prior to commencement of the proceedings as a result of a commitment  
18 ordered by a court under this section, s. ~~971.17~~ 971.85, or ch. 975, the requirements  
19 of a recent overt act, attempt or threat to act under par. (a) 2. a. or b., pattern of recent  
20 acts or omissions under par. (a) 2. c. or e., or recent behavior under par. (a) 2. d. may  
21 be satisfied by a showing that there is a substantial likelihood, based on the subject  
22 individual's treatment record, that the individual would be a proper subject for  
23 commitment if treatment were withdrawn. If the individual has been admitted  
24 voluntarily to an inpatient treatment facility for not more than 30 days prior to the  
25 commencement of the proceedings and remains under voluntary admission at the

1 time of commencement, the requirements of a specific recent overt act, attempt or  
2 threat to act, or pattern of recent acts or omissions may be satisfied by a showing of  
3 an act, attempt or threat to act, or pattern of acts or omissions which took place  
4 immediately previous to the voluntary admission. If the individual is committed  
5 under s. ~~971.14~~ 971.81 (2) or (5) at the time proceedings are commenced, or has been  
6 discharged from the commitment immediately prior to the commencement of  
7 proceedings, acts, attempts, threats, omissions, or behavior of the subject individual  
8 during or subsequent to the time of the offense shall be deemed recent for purposes  
9 of par. (a) 2.

10 **SECTION 26.** 51.20 (16) (j) of the statutes is amended to read:

11 51.20 (16) (j) This subsection applies to petitions for reexamination that are  
12 filed under ch. 971, but not s. ~~971.17~~ 971.85, and ch. 975, except that the petitions  
13 shall be filed with the committing court.

14 **SECTION 27.** 51.30 (4) (b) 8m. of the statutes is amended to read:

15 51.30 (4) (b) 8m. To appropriate examiners and facilities in accordance with s.  
16 ~~54.36 (3), 971.17~~ 971.85 (2) (e), (4) (c), and (7) (c). The recipient of any information  
17 from the records shall keep the information confidential except as necessary to  
18 comply with s. ~~971.17~~ 971.85.

19 **SECTION 28.** 51.30 (4) (b) 12m. of the statutes is amended to read:

20 51.30 (4) (b) 12m. To any person if the patient was admitted under s. ~~971.14,~~  
21 ~~971.17~~ 971.81, 971.85, or 980.06 or ch. 975 or transferred under s. 51.35 (3) or 51.37  
22 and is on unauthorized absence from a treatment facility. Information released  
23 under this subdivision is limited to information that would assist in the  
24 apprehension of the patient.

25 **SECTION 29.** 51.37 (1) of the statutes is amended to read:

1           51.37 (1) All commitments under s. 975.01, 1977 stats., and s. 975.02, 1977  
2 stats., and under ss. ~~971.14 (5), 971.17~~ 971.81 (5), 971.85, and 975.06 shall be to the  
3 department.

4           **SECTION 30.** 51.37 (4) of the statutes is amended to read:

5           51.37 (4) The department may, with the approval of the committing court and  
6 the county department under s. 51.42 or 51.437, and subject to s. 51.35, transfer to  
7 the care and custody of a county department under s. 51.42 or 51.437 any person in  
8 an institution of the department committed under s. ~~971.14~~ 971.81 or ~~971.17~~ 971.85,  
9 if in its opinion, the mental condition of the person is such that further care is  
10 required and can be properly provided under the direction of the county department  
11 under s. 51.42 or 51.437.

12           **SECTION 31.** 51.37 (9) of the statutes is amended to read:

13           51.37 (9) If in the judgment of the director of Mendota Mental Health Institute,  
14 Winnebago Mental Health Institute or the Milwaukee County Mental Health  
15 Complex, any person who is committed under s. ~~971.14~~ 971.81 or ~~971.17~~ 971.85 is not  
16 in such condition as warrants his or her return to the court but is in a condition to  
17 receive a conditional transfer or discharge under supervision, the director shall  
18 report to the department of health services, the committing court and the district  
19 attorney of the county in which the court is located his or her reasons for the  
20 judgment. If the court does not file objection to the conditional transfer or discharge  
21 within 60 days of the date of the report, the director may, with the approval of the  
22 department of health services, conditionally transfer any person to a legal guardian  
23 or other person, subject to the rules of the department of health services. Before a  
24 person is conditionally transferred or discharged under supervision under this  
25 subsection, the department of health services shall so notify the municipal police

1 department and county sheriff for the area where the person will be residing. The  
2 notification requirement does not apply if a municipal department or county sheriff  
3 submits to the department of health services a written statement waiving the right  
4 to be notified. The department of health services may contract with the department  
5 of corrections for the supervision of persons who are transferred or discharged under  
6 this subsection.

7 **SECTION 32.** 51.375 (1) (a) of the statutes is amended to read:

8 51.375 (1) (a) “Community placement” means conditional transfer into the  
9 community under s. 51.35 (1), conditional release under s. ~~971.17~~ 971.85, parole from  
10 a commitment for specialized treatment under ch. 975, or supervised release under  
11 ch. 980.

12 **SECTION 33.** 51.42 (3) (as) 1m. of the statutes is amended to read:

13 51.42 (3) (as) 1m. A county department shall reimburse a mental health  
14 institute at the institute’s daily rate for custody of any person who is ordered by a  
15 court located in that county to be examined at the mental health institute under s.  
16 ~~971.14~~ 971.81 (2) for all days that the person remains in custody at the mental health  
17 institute, beginning 48 hours, not including Saturdays, Sundays, and legal holidays,  
18 after the sheriff and county department receive notice under s. ~~971.14~~ 971.81 (2) (d)  
19 that the examination has been completed.

20 **SECTION 34.** 51.42 (3) (as) 1r. of the statutes is amended to read:

21 51.42 (3) (as) 1r. A county department shall authorize all care of any patient  
22 in a state, local, or private facility under a contractual agreement between the county  
23 department and the facility, unless the county department governs the facility. The  
24 need for inpatient care shall be determined by the program director or designee in  
25 consultation with and upon the recommendation of a licensed physician trained in

1 psychiatry and employed by the county department or its contract agency. In cases  
2 of emergency, a facility under contract with any county department shall charge the  
3 county department having jurisdiction in the county where the patient is found. The  
4 county department shall reimburse the facility for the actual cost of all authorized  
5 care and services less applicable collections under s. 46.036, unless the department  
6 of health services determines that a charge is administratively infeasible, or unless  
7 the department of health services, after individual review, determines that the  
8 charge is not attributable to the cost of basic care and services. Except as provided  
9 in subd. 1m., a county department may not reimburse any state institution or receive  
10 credit for collections for care received in a state institution by nonresidents of this  
11 state, interstate compact clients, transfers under s. 51.35 (3), transfers from  
12 Wisconsin state prisons under s. 51.37 (5) (a), commitments under s. 975.01, 1977  
13 stats., or s. 975.02, 1977 stats., or s. ~~971.14, 971.17~~ 971.81, 971.85, or 975.06 or  
14 admissions under s. 975.17, 1977 stats., or children placed in the guardianship of the  
15 department of children and families under s. 48.427 or 48.43 or under the  
16 supervision of the department of corrections under s. 938.183 or 938.355. The  
17 exclusionary provisions of s. 46.03 (18) do not apply to direct and indirect costs that  
18 are attributable to care and treatment of the client.

19 **SECTION 35.** 51.42 (3) (aw) 1. d. of the statutes is amended to read:

20 51.42 (3) (aw) 1. d. Provide treatment and services that are specified in a  
21 conditional release plan approved by a court for a person who is a county resident and  
22 is conditionally released under s. ~~971.17~~ 971.85 (3) or (4) or that are specified in a  
23 supervised release plan approved by a court under s. 980.06 (2) (c), 1997 stats., s.  
24 980.08 (5), 2003 stats., or s. 980.08 (4) (g). If the county department provides  
25 treatment and services under this subdivision, the department of health services

1 shall, from the appropriation under s. 20.435 (2) (bj), pay the county department for  
2 the costs of the treatment and services.

3 **SECTION 36.** 51.437 (4rm) (a) of the statutes is amended to read:

4 51.437 (**4rm**) (a) A county department of developmental disabilities services  
5 shall authorize all care of any patient in a state, local, or private facility under a  
6 contractual agreement between the county department of developmental disabilities  
7 services and the facility, unless the county department of developmental disabilities  
8 services governs the facility. The need for inpatient care shall be determined by the  
9 program director or designee in consultation with and upon the recommendation of  
10 a licensed physician trained in psychiatry and employed by the county department  
11 of developmental disabilities services or its contract agency prior to the admission  
12 of a patient to the facility except in the case of emergency services. In cases of  
13 emergency, a facility under contract with any county department of developmental  
14 disabilities services shall charge the county department of developmental  
15 disabilities services having jurisdiction in the county where the individual receiving  
16 care is found. The county department of developmental disabilities services shall  
17 reimburse the facility, except as provided under par. (c), for the actual cost of all  
18 authorized care and services less applicable collections under s. 46.036, unless the  
19 department of health services determines that a charge is administratively  
20 infeasible, or unless the department of health services, after individual review,  
21 determines that the charge is not attributable to the cost of basic care and services.  
22 The exclusionary provisions of s. 46.03 (18) do not apply to direct and indirect costs  
23 which are attributable to care and treatment of the client. County departments of  
24 developmental disabilities services may not reimburse any state institution or  
25 receive credit for collections for care received in a state institution by nonresidents

1 of this state, interstate compact clients, transfers under s. 51.35 (3) (a), commitments  
2 under s. 975.01, 1977 stats., or s. 975.02, 1977 stats., or s. ~~971.14, 971.17~~ 971.81,  
3 971.85, or 975.06, admissions under s. 975.17, 1977 stats., children placed in the  
4 guardianship of the department of children and families under s. 48.427 or 48.43 or  
5 juveniles under the supervision of the department of corrections under s. 938.183 or  
6 938.355.

7 **SECTION 37.** 51.87 (3) of the statutes is amended to read:

8 51.87 (3) PURCHASE OF SERVICES. A county department under s. 46.23, 51.42,  
9 or 51.437 may contract as provided under this section with public or private agencies  
10 in states bordering on Wisconsin to secure services under this chapter for persons  
11 who receive services through the county department, except that services may not  
12 be secured for persons committed under s. ~~971.14 or 971.17~~ 971.81 or 971.85. Section  
13 46.036 (1) to (6) applies to contracts entered into under this section by county  
14 departments under s. 46.23, 51.42, or 51.437.

15 **SECTION 38.** 55.075 (intro.) of the statutes is amended to read:

16 **55.075 Protective services or protective placement; petition.** (intro.)

17 Except as provided in s. ~~971.14~~ 971.81 (6) (b):

18 **SECTION 39.** 59.34 (2) (a) of the statutes is amended to read:

19 59.34 (2) (a) Notwithstanding s. ~~979.04~~ 968.015 (3) and except as provided in  
20 par. (b), any person holding office under sub. (1) may also serve as an emergency  
21 medical technician, first responder or fire fighter.

22 **SECTION 40.** 66.0113 (3) (e) of the statutes is amended to read:

23 66.0113 (3) (e) A judgment may be entered under par. (d) if the summons or  
24 citation was served as provided under s. ~~968.04 (3) (b) 2.~~ 969.22 (2) or by personal

1 service by a county, town, city, village, town sanitary district or public inland lake  
2 protection and rehabilitation district employee.

3 **SECTION 41.** 66.0114 (1) (a) of the statutes is amended to read:

4 66.0114 (1) (a) An action for violation of an ordinance or bylaw enacted by a city,  
5 village, town sanitary district or public inland lake protection and rehabilitation  
6 district is a civil action. All forfeitures and penalties imposed by an ordinance or  
7 bylaw of the city, village, town sanitary district or public inland lake protection and  
8 rehabilitation district, except as provided in ss. 345.20 to 345.53, may be collected in  
9 an action in the name of the city or village before the municipal court or in an action  
10 in the name of the city, village, town sanitary district or public inland lake protection  
11 and rehabilitation district before a court of record. If the action is in municipal court,  
12 the procedures under ch. 800 apply and the procedures under this section do not  
13 apply. If the action is in a court of record, it shall be commenced by warrant or  
14 summons under s. ~~968.04~~ 969.20 or, if applicable, by citation under s. 778.25 or  
15 778.26. A law enforcement officer may arrest the offender in all cases without  
16 warrant under s. ~~968.07~~ 969.16. If the action is commenced by warrant the affidavit  
17 may be the complaint. The affidavit or complaint is sufficient if it alleges that the  
18 defendant has violated an ordinance or bylaw, specifying the ordinance or bylaw by  
19 section, chapter, title or otherwise with sufficient plainness to identify the ordinance  
20 or bylaw. The judge may release a defendant without a cash deposit or may permit  
21 him or her to execute an unsecured appearance bond upon arrest. In arrests without  
22 a warrant or summons a statement on the records of the court of the offense charged  
23 is the complaint unless the court directs that a formal complaint be issued. In all  
24 actions under this paragraph the defendant's plea shall be guilty, not guilty or no  
25 contest and shall be entered as not guilty on failure to plead. A plea of not guilty on

1 failure to plead puts all matters in the case at issue, any other provision of law  
2 notwithstanding. The defendant may enter a not guilty plea by certified mail.

3 **SECTION 42.** 66.0139 (4) and (5) of the statutes are amended to read:

4 66.0139 (4) Except as provided in s. ~~968.20 (3)~~ 175.27 (1), a 1st class city shall  
5 dispose of abandoned or unclaimed dangerous weapons or ammunition without a  
6 public auction 12 months after taking possession of them if the owner has not  
7 requested their return. Disposal procedures shall be established by ordinance or  
8 resolution and may include provisions authorizing an attempt to return to the  
9 rightful owner any dangerous weapons or ammunition which appear to be stolen or  
10 are reported stolen. If enacted, a disposal procedure shall include a presumption that  
11 if the dangerous weapons or ammunition appear to be or are reported stolen an  
12 attempt will be made to return the dangerous weapons or ammunition to the rightful  
13 owner. The dangerous weapons or ammunition are subject to sub. (5).

14 (5) A political subdivision may retain or dispose of any abandoned, unclaimed,  
15 or seized dangerous weapon or ammunition only under s. ~~968.20~~ ss. 175.27 and  
16 968.625.

17 **SECTION 43.** 69.18 (2) (f) 3. of the statutes is amended to read:

18 69.18 (2) (f) 3. A person signing a medical certification under par. (b), (c), or (d)  
19 shall note on the certificate if the cause of death of the subject of the certificate is  
20 unknown, or undetermined or if the determination of the cause of death is pending  
21 and shall submit to the state registrar within 30 days after the pronouncement of  
22 death an amendment to the medical certification which satisfies the requirements  
23 of subd. 1., except that such amendment may exclude information which is  
24 unavailable pending the determination of an inquest under s. ~~979.04~~ 968.015.

25 **SECTION 44.** 71.78 (4) (n) of the statutes is amended to read:

1           71.78 (4) (n) The state public defender and the department of administration  
2 for the purpose of collecting payment ordered under s. 48.275 (2), 757.66, 973.06 (1)  
3 (e), or 977.076 (1).

4           **SECTION 45.** 77.61 (12) (b) of the statutes is amended to read:

5           77.61 (12) (b) The immunity provided under par. (a) is subject to the  
6 restrictions under s. ~~972.085~~ 967.18.

7           **SECTION 46.** 93.17 (2) of the statutes is amended to read:

8           93.17 (2) The immunity provided under sub. (1) is subject to the restrictions  
9 under s. ~~972.085~~ 967.18.

10          **SECTION 47.** 102.13 (5) of the statutes, as affected by 2015 Wisconsin Act 55,  
11 is amended to read:

12          102.13 (5) The department or the division may refuse to receive testimony as  
13 to conditions determined from an autopsy if it appears that the party offering the  
14 testimony had procured the autopsy and had failed to make reasonable effort to  
15 notify at least one party in adverse interest or the department or the division at least  
16 12 hours before the autopsy of the time and place at which the autopsy would be  
17 performed, or that the autopsy was performed by or at the direction of the coroner  
18 or medical examiner or at the direction of the district attorney for purposes not  
19 authorized under subch. I of ch. 968 or under ch. 979. The department or the division  
20 may withhold findings until an autopsy is held in accordance with its directions.

21          **SECTION 48.** 103.005 (20) of the statutes is amended to read:

22          103.005 (20) The department shall establish a procedure for the department  
23 to provide to the state public defender and the department of administration any  
24 information that the department may have concerning an individual's wages to

1 assist the state public defender and the department of administration in collecting  
2 payment ordered under s. 48.275 (2), 757.66, 973.06 (1) (e), or 977.076 (1).

3 **SECTION 49.** 103.10 (1m) (b) 1. of the statutes is amended to read:

4 103.10 (1m) (b) 1. "Domestic abuse" has the meaning given in s. ~~968.075~~ 969.27  
5 (1) (a).

6 **SECTION 50.** 110.001 (1m) of the statutes is amended to read:

7 110.001 (1m) "Law enforcement officer" has the meaning given in s. ~~967.02 (5)~~  
8 967.025 (13).

9 **SECTION 51.** 110.07 (2m) of the statutes is amended to read:

10 110.07 (2m) In addition to the primary powers granted by subs. (1) and (2), any  
11 officer of the state traffic patrol shall have the powers of a peace officer under s. 59.28,  
12 except that the officer shall have the arrest powers of a law enforcement officer under  
13 s. ~~968.07~~ 969.16, regardless of whether the violation is punishable by forfeiture or  
14 criminal penalty. A state traffic officer shall at all times be available as a witness for  
15 the state but may not conduct investigations for crimes under chs. 939 to 948 other  
16 than crimes relating to the use or operation of vehicles. The primary duty of a state  
17 traffic officer shall be the enforcement of chs. 340 to 351 or of any other law relating  
18 to the use or operation of vehicles upon the highway. No state traffic officer shall be  
19 used in or take part in any dispute or controversy between employer or employee  
20 concerning wages, hours, labor or working conditions; nor shall any such officer be  
21 required to serve civil process. The department may assign state traffic officers to  
22 safeguard state officers or other persons.

23 **SECTION 52.** 110.07 (4) of the statutes is amended to read:

24 110.07 (4) In addition to the primary powers granted by sub. (3), any inspector  
25 shall have the powers of a peace officer under s. 59.28, except that the inspector shall

1 have the arrest powers of a law enforcement officer under s. ~~968.07~~ 969.16,  
2 regardless of whether the violation is punishable by forfeiture or criminal penalty.  
3 An inspector shall at all times be available as a witness for the state but may not  
4 conduct investigations for crimes under chs. 939 to 948 other than crimes relating  
5 to the use or operation of vehicles. The primary duty of an inspector shall be the  
6 enforcement of the provisions specified in sub. (3). No inspector may be used in or  
7 take part in any dispute or controversy between employer or employee concerning  
8 wages, hours, labor or working conditions; nor may an inspector be required to serve  
9 civil process. The department may assign inspectors to safeguard state officers or  
10 other persons.

11 **SECTION 53.** 111.07 (2) (b) 2. of the statutes is amended to read:

12 111.07 (2) (b) 2. The immunity provided under subd. 1. is subject to the  
13 restrictions under s. ~~972.085~~ 967.18.

14 **SECTION 54.** 128.16 (2) of the statutes is amended to read:

15 128.16 (2) The immunity provided under sub. (1) is subject to the restrictions  
16 under s. ~~972.085~~ 967.18.

17 **SECTION 55.** 133.15 (2) of the statutes is amended to read:

18 133.15 (2) The immunity provided under sub. (1) is subject to the restrictions  
19 under s. ~~972.085~~ 967.18.

20 **SECTION 56.** 134.43 (3) of the statutes is amended to read:

21 134.43 (3) Any person who is the victim of an intrusion of privacy under this  
22 section is entitled to relief under s. 995.50 (1) and (4) unless the act is permissible  
23 under ~~ss. 968.27 to 968.373~~ subch. IV of ch. 968.

24 **SECTION 57.** 139.20 (2) of the statutes is amended to read:

1           139.20 (2) The immunity provided under sub. (1) is subject to the restrictions  
2 under s. ~~972.085~~ 967.18.

3           **SECTION 58.** 139.39 (5) (b) of the statutes is amended to read:

4           139.39 (5) (b) The immunity provided under par. (a) is subject to the restrictions  
5 under s. ~~972.085~~ 967.18.

6           **SECTION 59.** 146.81 (4) of the statutes is amended to read:

7           146.81 (4) “Patient health care records” means all records related to the health  
8 of a patient prepared by or under the supervision of a health care provider; and all  
9 records made by an ambulance service provider, as defined in s. 256.01 (3), an  
10 emergency medical technician, as defined in s. 256.01 (5), or a first responder, as  
11 defined in s. 256.01 (9), in administering emergency care procedures to and handling  
12 and transporting sick, disabled, or injured individuals. “Patient health care records”  
13 includes billing statements and invoices for treatment or services provided by a  
14 health care provider and includes health summary forms prepared under s. 302.388  
15 (2). “Patient health care records” does not include those records subject to s. 51.30,  
16 reports collected under s. 69.186, records of tests administered under s. 252.15 (5g)  
17 or (5j), 343.305, 938.296 (4) or (5), or ~~968.38~~ 968.725 (4) or (5), records related to sales  
18 of pseudoephedrine products, as defined in s. 961.01 (20c), that are maintained by  
19 pharmacies under s. 961.235, fetal monitor tracings, as defined under s. 146.817 (1),  
20 or a pupil’s physical health records maintained by a school under s. 118.125.

21           **SECTION 60.** 146.82 (2) (c) of the statutes is amended to read:

22           146.82 (2) (c) Notwithstanding sub. (1), patient health care records shall be  
23 released to appropriate examiners and facilities in accordance with s. ~~971.17~~ 971.85  
24 (2) (e), (4) (c), and (7) (c). The recipient of any information from the records shall keep  
25 the information confidential except as necessary to comply with s. ~~971.17~~ 971.85.

1           **SECTION 61.** 154.30 (3) (a) 2. of the statutes is amended to read:

2           154.30 (3) (a) 2. Any power or duty of a coroner, medical examiner, or other  
3 physician licensed to perform autopsies with respect to the reporting of certain  
4 deaths, and the performance of autopsies, under ch. 979 and with respect to inquests  
5 under subch. I of ch. 979 968.

6           **SECTION 62.** 165.76 (1) (bm) of the statutes, as affected by 2013 Wisconsin Act  
7 20, is amended to read:

8           165.76 (1) (bm) Has been found not guilty or not responsible by reason of  
9 mental disease or defect on or after August 12, 1993, and committed under s. 51.20  
10 or ~~971.17~~ 971.85 for any violation of s. 940.225 (1) or (2), 948.02 (1) or (2), 948.025,  
11 or 948.085.

12           **SECTION 63.** 165.76 (1) (br) of the statutes, as affected by 2013 Wisconsin Act  
13 20, is amended to read:

14           165.76 (1) (br) Has been found not guilty or not responsible by reason of mental  
15 disease or defect on or after January 1, 2000, and committed under s. 51.20 or ~~971.17~~  
16 971.85, for any felony or a violation of s. 165.765 (1), 2011 stats., or of s. 940.225 (3m),  
17 944.20, 946.52, or 948.10 (1) (b).

18           **SECTION 64.** 165.76 (1) (g) of the statutes, as affected by 2013 Wisconsin Act 20,  
19 is amended to read:

20           165.76 (1) (g) Has been required by a court under s. 51.20 (13) (cr), 938.21 (1m),  
21 938.30 (2m), 938.34 (15), ~~970.02 (8), 971.17~~ 971.028 (7), 971.85 (1m) (a), 973.047, or  
22 980.063 to provide a biological specimen to the state crime laboratories for  
23 deoxyribonucleic acid analysis.

24           **SECTION 65.** 165.76 (1m) of the statutes, as affected by 2013 Wisconsin Act 20,  
25 is amended to read:

1           165.76 (1m) If a person is required to provide a biological specimen under sub.  
2 (1) (a) to (gm) and the department of justice does not have the data obtained from  
3 analysis of a biological specimen from the person that the department is required to  
4 maintain in the data bank under s. 165.77 (3), the department may require the  
5 person to provide a biological specimen, regardless of whether the person previously  
6 provided a biological specimen under this section or s. 51.20 (13) (cr), 165.84 (7),  
7 938.21 (1m), 938.30 (2m), 938.34 (15), ~~970.02 (8), 971.17~~ 971.028 (7), 971.85 (1m) (a),  
8 973.047, or 980.063. The department of justice, the department of corrections, a  
9 district attorney, or a county sheriff, shall notify any person whom the department  
10 of justice requires to provide a biological specimen under this subsection.

11           **SECTION 66.** 165.76 (4) (a) and (b) of the statutes, as created by 2013 Wisconsin  
12 Act 20, are amended to read:

13           165.76 (4) (a) Establish procedures and time limits for obtaining and  
14 submitting biological specimens under this section and ss. 51.20 (13) (cr), 165.84 (7),  
15 938.21 (1m), 938.30 (2m), 938.34 (15), ~~970.02 (8), 971.17~~ 971.028 (7), 971.85 (1m) (a),  
16 973.047, and 980.063.

17           (b) Specify whether an individual who is required under this section or s. 51.20  
18 (13) (cr), 165.84 (7), 938.21 (1m), 938.30 (2m), 938.34 (15), ~~970.02 (8), 971.17~~ 971.028  
19 (7), 971.85 (1m) (a), 973.047, or 980.063 to provide a biological specimen for  
20 deoxyribonucleic acid analysis must provide a new biological specimen if the crime  
21 laboratories already have a biological specimen from the individual or if data  
22 obtained from deoxyribonucleic acid analysis of the individual's biological specimen  
23 are already included in the data bank under s. 165.77 (3).

24           **SECTION 67.** 165.76 (4) (c) of the statutes, as affected by 2013 Wisconsin Act 214,  
25 is amended to read:

1           165.76 (4) (c) Allow a biological specimen, or data obtained from analysis of a  
2 biological specimen, obtained under this section, under s. 51.20 (13) (cr), 938.21 (1m),  
3 938.30 (2m), 938.34 (15), ~~970.02 (8)~~, ~~971.17~~ 971.028 (7), 971.85 (1m) (a), 973.047, or  
4 980.063, or, if the specimen is required to be analyzed under s. 165.84 (7) (am) 1m.,  
5 under s. 165.84 (7) (ah), to be submitted for inclusion in an index established under  
6 42 USC 14132 (a) or in another national index system.

7           **SECTION 68.** 165.765 (1m) of the statutes, as created by 2013 Wisconsin Act 20,  
8 is amended to read:

9           165.765 (1m) A law enforcement officer; a jail officer; a tribal officer; a  
10 correctional officer; a probation, extended supervision, or parole officer; or an  
11 employee of the department of health services may use reasonable force to obtain a  
12 biological specimen from a person who intentionally refuses to provide a biological  
13 specimen that is required under s. 165.76 (1), 165.84 (7), 938.21 (1m), 938.30 (2m),  
14 938.34 (15), or ~~970.02 (8)~~ 971.028 (7).

15           **SECTION 69.** 165.765 (2) (a) 1. of the statutes, as affected by 2013 Wisconsin Act  
16 20, is amended to read:

17           165.765 (2) (a) 1. Any physician, registered nurse, medical technologist,  
18 physician assistant, or person acting under the direction of a physician who obtains  
19 a biological specimen under s. 51.20 (13) (cr), 165.76, 165.84 (7), 938.21 (1m), 938.30  
20 (2m), 938.34 (15), ~~970.02 (8)~~, ~~971.17~~ 971.028 (7), 971.85 (1m) (a), 973.047, or 980.063  
21 is immune from any civil or criminal liability for the act, except for civil liability for  
22 negligence in the performance of the act.

23           **SECTION 70.** 165.77 (2) (b) of the statutes, as affected by 2013 Wisconsin Act 20,  
24 is amended to read:

1           165.77 **(2)** (b) Paragraph (a) does not apply to specimens received under s. 51.20  
2           (13) (cr), 165.76, 165.84 (7), 938.21 (1m), 938.30 (2m), 938.34 (15), ~~970.02 (8), 971.17~~  
3           971.028 (7), 971.85 (1m) (a), 973.047, or 980.063.

4           **SECTION 71.** 165.77 (2m) (c) of the statutes, as affected by 2013 Wisconsin Act  
5           20, is amended to read:

6           165.77 **(2m)** (c) Paragraph (b) does not apply to specimens received under s.  
7           51.20 (13) (cr), 165.76, 165.84 (7), 938.21 (1m), 938.30 (2m), 938.34 (15), ~~970.02 (8),~~  
8           ~~971.17~~ 971.028 (7), 971.85 (1m) (a), 973.047, or 980.063.

9           **SECTION 72.** 165.77 (3) of the statutes, as affected by 2013 Wisconsin Act 214,  
10          is amended to read:

11          165.77 **(3)** If the laboratories receive a human biological specimen under s.  
12          51.20 (13) (cr), 165.76, 938.21 (1m), 938.30 (2m), 938.34 (15), ~~970.02 (8), 971.17~~  
13          971.028 (7), 971.85 (1m) (a), 971.028 (7), 973.047, or 980.063, the laboratories shall  
14          analyze the deoxyribonucleic acid in the specimen. If the laboratories receive a  
15          human biological specimen under s. 165.84 (7) (ah), the laboratories shall analyze  
16          the deoxyribonucleic acid in the specimen as provided under s. 165.84 (7) (am) 1m.  
17          The laboratories shall maintain a data bank based on data obtained from  
18          deoxyribonucleic acid analysis of those specimens. The laboratories may compare  
19          the data obtained from one specimen with the data obtained from other specimens.  
20          The laboratories may make data obtained from any analysis and comparison  
21          available to law enforcement agencies in connection with criminal or delinquency  
22          investigations and, upon request, to any prosecutor, defense attorney or subject of  
23          the data. The data may be used in criminal and delinquency actions and proceedings.

24          **SECTION 73.** 165.77 (4) (am) 1. of the statutes, as created by 2013 Wisconsin Act  
25          20, is amended to read:

1           165.77 (4) (am) 1. If the person was required to submit a biological specimen  
2 under s. 51.20 (13) (cr), 165.76, 938.34 (15), ~~971.17~~ 971.85 (1m) (a), 973.047, or  
3 980.063, all convictions, findings, or adjudications for which the person was required  
4 to submit a biological specimen under s. 51.20 (13) (cr), 165.76, 938.34 (15), ~~971.17~~  
5 971.85 (1m) (a), 973.047, or 980.063 have been reversed, set aside, or vacated.

6           **SECTION 74.** 165.77 (4) (am) 2. (intro.) of the statutes, as created by 2013  
7 Wisconsin Act 20, is amended to read:

8           165.77 (4) (am) 2. (intro.) If the person was required to provide a biological  
9 specimen under s. 165.84 (7) in connection with an arrest or under s. ~~970.02 (8)~~  
10 971.028 (7), one of the following applies:

11           **SECTION 75.** 165.77 (4) (am) 2. a., b. and d. of the statutes, as affected by 2013  
12 Wisconsin Act 214, are amended to read:

13           165.77 (4) (am) 2. a. All charges for which the person was required to provide  
14 a biological specimen under s. 165.84 (7) or ~~970.02 (8)~~ 971.028 (7) have been  
15 dismissed.

16           b. The trial court reached final disposition for all charges for which the person  
17 was required to provide a biological specimen under s. 165.84 (7) or ~~970.02 (8)~~  
18 971.028 (7), and the person was not adjudged guilty of a violent crime in connection  
19 with any such charge.

20           d. The person was adjudged guilty of a violent crime in connection with any  
21 charge for which the person was required to provide a biological specimen under s.  
22 165.84 (7) or ~~970.02 (8)~~ 971.028 (7), and all such convictions for a violent crime have  
23 been reversed, set aside, or vacated.

24           **SECTION 76.** 165.79 (1) of the statutes is amended to read:

1           165.79 (1) Evidence, information, and analyses of evidence obtained from law  
2 enforcement officers by the laboratories is privileged and not available to persons  
3 other than law enforcement officers nor is the defendant entitled to an inspection of  
4 information and evidence submitted to the laboratories by the state or of a  
5 laboratory's findings, or to examine laboratory personnel as witnesses concerning  
6 the same, prior to trial, except to the extent that the same is used by the state at a  
7 preliminary hearing and except as provided in s. ~~971.23~~ 971.43. Upon request of a  
8 defendant in a felony action, approved by the presiding judge, the laboratories shall  
9 conduct analyses of evidence on behalf of the defendant. No prosecuting officer is  
10 entitled to an inspection of information and evidence submitted to the laboratories  
11 by the defendant, or of a laboratory's findings, or to examine laboratory personnel as  
12 witnesses concerning the same, prior to trial, except to the extent that the same is  
13 used by the accused at a preliminary hearing and except as provided in s. ~~971.23~~  
14 971.43. Employees who made examinations or analyses of evidence shall attend the  
15 criminal trial as witnesses, without subpoena, upon reasonable written notice from  
16 either party requesting the attendance.

17           **SECTION 77.** 165.81 (1) of the statutes is amended to read:

18           165.81 (1) Whenever the department is informed by the submitting officer or  
19 agency that physical evidence in the possession of the laboratories is no longer  
20 needed the department may, except as provided in sub. (3) or unless otherwise  
21 provided by law, destroy the evidence, retain it in the laboratories, return it to the  
22 submitting officer or agency, or turn it over to the University of Wisconsin upon the  
23 request of the head of any department of the University of Wisconsin. If the  
24 department returns the evidence to the submitting officer or agency, any action  
25 taken by the officer or agency with respect to the evidence shall be in accordance with

1 ~~s. 968.20~~ ss. 175.27 and 968.625. Except as provided in sub. (3), whenever the  
2 department receives information from which it appears probable that the evidence  
3 is no longer needed, the department may give written notice to the submitting agency  
4 and the appropriate district attorney, by registered mail, of the intention to dispose  
5 of the evidence. If no objection is received within 20 days after the notice was mailed,  
6 it may dispose of the evidence.

7 **SECTION 78.** 165.81 (3) (a) 1. and 2., (b) and (f) of the statutes are amended to  
8 read:

9 165.81 (3) (a) 1. "Custody" has the meaning given in s. ~~968.205~~ 968.645 (1) (a).

10 2. "Discharge date" has the meaning given in s. ~~968.205~~ 968.645 (1) (b).

11 (b) Except as provided in par. (c), if physical evidence that is in the possession  
12 of the laboratories includes any biological material that was collected in connection  
13 with a criminal investigation that resulted in a criminal conviction, a delinquency  
14 adjudication, or commitment under s. ~~971.17~~ 971.85 or 980.06 ~~and the biological~~  
15 ~~material is from a victim of the offense that was the subject of the criminal~~  
16 ~~investigation or may reasonably be used to incriminate or exculpate any person for~~  
17 ~~the offense~~, the laboratories shall preserve the physical evidence until every person  
18 in custody as a result of the conviction, adjudication, or commitment has reached his  
19 or her discharge date.

20 (f) Unless otherwise provided in a court order issued under s. 974.07 (9) (a) or  
21 (b) or (10) (a) 5., nothing in this subsection prohibits the laboratories from returning  
22 evidence that must be preserved under par. (b) or (e) to the agency that submitted  
23 the evidence to the laboratories. If the laboratories return evidence that must be  
24 preserved under par. (b) or (e) to a submitting agency, any action taken by the agency  
25 with respect to the evidence shall be in accordance with s. ~~968.205~~ 968.645.

1           **SECTION 79.** 165.84 (7) (am) 1m. c. of the statutes, as affected by 2013 Wisconsin  
2 Act 214, is amended to read:

3           165.84 (7) (am) 1m. c. The individual failed to appear at the initial appearance  
4 or preliminary examination or the person waived the preliminary examination  
5 under s. 971.042.

6           **SECTION 80.** 167.10 (8) (b) of the statutes is amended to read:

7           167.10 (8) (b) Fireworks stored, handled, sold, possessed, or used by a person  
8 who violates this section, an ordinance adopted under sub. (5), or a court order under  
9 par. (a) may be seized and held as evidence of the violation. Except as provided in  
10 s. ~~968.20 (4)~~ 175.27 (2), only the fireworks that are the subject of a violation of this  
11 section, an ordinance adopted under sub. (5), or a court order under par. (a) may be  
12 destroyed after conviction for a violation. Except as provided in s. ~~968.20 (4)~~ 175.27  
13 (2), fireworks that are seized as evidence of a violation for which no conviction results  
14 shall be returned to the owner in the same condition as they were when seized to the  
15 extent practicable.

16           **SECTION 81.** 169.42 (2) (b) of the statutes is amended to read:

17           169.42 (2) (b) A conservation warden and the department shall comply with the  
18 applicable procedures under ss. 29.931, 29.934, and ~~968.20~~ 968.625 as they relate to  
19 seized and confiscated wild animals, carcasses, vehicles, boats, or other objects or  
20 property.

21           **SECTION 82.** 173.10 of the statutes is amended to read:

22           **173.10 Investigation of cruelty complaints.** A person may apply for a  
23 search warrant under s. ~~968.12~~ 968.465 if there is reason to believe that a violation  
24 of ch. 951 has taken place or is taking place. If the court is satisfied that probable  
25 cause exists, it shall issue a search warrant directing a law enforcement officer in the

1 county to proceed immediately to the location of the alleged violation with a doctor  
2 of veterinary medicine, if the court determines that a veterinarian is necessary for  
3 purposes of the search, and directing the law enforcement officer to search the place  
4 designated in the warrant, retaining in his or her custody subject to the order of the  
5 court such property or things as are specified in the warrant, including any animal.  
6 If the person applying for the search warrant is a humane officer, the warrant shall  
7 direct that the humane officer accompany the law enforcement officer who is directed  
8 to perform the search. The warrant shall be executed and returned to the court which  
9 issued the warrant in accordance with ss. ~~968.15~~ 968.495 and ~~968.17~~ 968.506. This  
10 section does not affect other powers and duties of law enforcement officers.

11 **SECTION 83.** 173.12 (1m) of the statutes, as affected by 2015 Wisconsin Act 64,  
12 is amended to read:

13 173.12 **(1m)** If an animal has been seized because it is alleged that the animal  
14 has been used in or constitutes evidence of any crime specified in s. 951.08, the  
15 animal may not be returned to the owner by an officer under s. ~~968.20~~ 968.625 (2).  
16 In any hearing under s. ~~968.20~~ 968.625 (1g), the court shall determine if the animal  
17 is needed as evidence or there is reason to believe that the animal has participated  
18 in or been trained for fighting. If the court makes such a finding, the animal shall  
19 be retained in custody.

20 **SECTION 84.** 175.27 (title) of the statutes is created to read:

21 **175.27 (title) Seized dangerous property.**

22 **SECTION 85.** 175.55 (2) of the statutes is amended to read:

23 175.55 **(2)** No Wisconsin law enforcement agency may use a drone to gather  
24 evidence or other information in a criminal investigation from or at a place or location  
25 where an individual has a reasonable expectation of privacy without first obtaining

1 a search warrant under s. ~~968.12~~ 968.465. This subsection does not apply to the use  
2 of a drone in a public place or to assist in an active search and rescue operation, to  
3 locate an escaped prisoner, to surveil a place or location for the purpose of executing  
4 an arrest warrant, or if a law enforcement officer has reasonable suspicion to believe  
5 that the use of a drone is necessary to prevent imminent danger to an individual or  
6 to prevent imminent destruction of evidence.

7 **SECTION 86.** 175.60 (3) (d) of the statutes is amended to read:

8 175.60 (3) (d) The court has prohibited the individual from possessing a  
9 dangerous weapon under s. ~~969.02 (3) (c) or 969.03 (1) (c)~~ 969.33 (5) (b).

10 **SECTION 87.** 175.60 (3) (e) of the statutes is amended to read:

11 175.60 (3) (e) The individual is on release under s. ~~969.01~~ 969.31 and the  
12 individual may not possess a dangerous weapon as a condition of the release.

13 **SECTION 88.** 175.60 (9g) (a) 2. of the statutes is amended to read:

14 175.60 (9g) (a) 2. The department shall conduct a criminal history record  
15 search and shall search its records and conduct a search in the national instant  
16 criminal background check system to determine whether the applicant is prohibited  
17 from possessing a firearm under federal law; whether the applicant is prohibited  
18 from possessing a firearm under s. 941.29; whether the applicant is prohibited from  
19 possessing a firearm under s. 51.20 (13) (cv) 1., 2007 stats.; whether the applicant  
20 has been ordered not to possess a firearm under s. 51.20 (13) (cv) 1., 51.45 (13) (i) 1.,  
21 54.10 (3) (f) 1., or 55.12 (10) (a); whether the applicant is subject to an injunction  
22 under s. 813.12 or 813.122, or a tribal injunction, as defined in s. 813.12 (1) (e), issued  
23 by a court established by any federally recognized Wisconsin Indian tribe or band,  
24 except the Menominee Indian tribe of Wisconsin, that includes notice to the  
25 respondent that he or she is subject to the requirements and penalties under s.

1 941.29 and that has been filed with the circuit court under s. 806.247 (3); and  
2 whether the applicant is prohibited from possessing a firearm under s. 813.123 (5m)  
3 or 813.125 (4m); and to determine if the court has prohibited the applicant from  
4 possessing a dangerous weapon under s. ~~969.02 (3) (e) or 969.03 (1) (e)~~ 969.33 (5) (b)  
5 and if the applicant is prohibited from possessing a dangerous weapon as a condition  
6 of release under s. ~~969.01~~ 969.31.

7 **SECTION 89.** 175.60 (11) (a) 2. b. of the statutes is amended to read:

8 175.60 (11) (a) 2. b. The individual is found incompetent under s. ~~971.14~~ 971.81.

9 **SECTION 90.** 175.60 (11) (a) 2. c. of the statutes is amended to read:

10 175.60 (11) (a) 2. c. The individual is found not guilty of any crime by reason  
11 of mental disease or mental defect ~~under s. 971.17~~.

12 **SECTION 91.** 175.60 (11) (a) 2. g. of the statutes is amended to read:

13 175.60 (11) (a) 2. g. A court has prohibited the individual from possessing a  
14 dangerous weapon under s. ~~969.02 (3) (e) or 969.03 (1) (e)~~ 969.33 (5) (b).

15 **SECTION 92.** 175.60 (11) (a) 2. i. of the statutes is amended to read:

16 175.60 (11) (a) 2. i. The individual is on release under s. ~~969.01~~ 969.31 and the  
17 individual may not possess a dangerous weapon as a condition of the release.

18 **SECTION 93.** 175.60 (14) (am) of the statutes is amended to read:

19 175.60 (14) (am) The department shall suspend a license issued under this  
20 section if a court has prohibited the licensee from possessing a dangerous weapon  
21 under s. ~~969.02 (3) (e) or 969.03 (1) (e)~~ 969.33 (5) (b). If the individual whose license  
22 was suspended is no longer subject to the prohibition under s. ~~969.02 (3) (e) or 969.03~~  
23 ~~(1) (e), whichever is applicable~~ 969.33 (5) (b), sub. (3) (b), (c), (d), (e), (f), or (g) does  
24 not apply to the individual, and the suspended license would not have expired under  
25 sub. (15) (a) had it not been suspended, the department shall restore the license

1 within 5 business days of notification that the licensee is no longer subject to the  
2 prohibition.

3 **SECTION 94.** 195.048 (2) of the statutes is amended to read:

4 195.048 (2) The immunity provided under sub. (1) is subject to the restrictions  
5 under s. ~~972.085~~ 967.18.

6 **SECTION 95.** 196.207 (3) (e) of the statutes is amended to read:

7 196.207 (3) (e) A trap and trace device as authorized under ss. ~~968.34~~ 968.376  
8 to ~~968.37~~ 968.405.

9 **SECTION 96.** 196.48 (1) (b) of the statutes is amended to read:

10 196.48 (1) (b) The immunity provided under par. (a) is subject to the restrictions  
11 under s. ~~972.085~~ 967.18.

12 **SECTION 97.** 230.81 (2) of the statutes is amended to read:

13 230.81 (2) Nothing in this section prohibits an employee from disclosing  
14 information to an appropriate law enforcement agency, a state or federal district  
15 attorney in whose jurisdiction the crime is alleged to have occurred, a state or federal  
16 grand jury, or a judge in a proceeding commenced under s. ~~968.26~~ 968.105, or  
17 disclosing information pursuant to any subpoena issued by any person authorized  
18 to issue subpoenas under s. 885.01. Any such disclosure of information is a lawful  
19 disclosure under this section and is protected under s. 230.83.

20 **SECTION 98.** 251.16 of the statutes is amended to read:

21 **251.16 Local health department; evidence.** The reports and employees of  
22 a local health department are subject to s. ~~970.03 (12) (b)~~ ss. 971.042 (9) (b) and  
23 971.75 (7) (b).

24 **SECTION 99.** 252.11 (5m) of the statutes is amended to read:

1           252.11 **(5m)** A health care professional, as defined in s. ~~968.38~~ 968.725 (1) (a),  
2 acting under an order of a court under s. 938.296 (4) or ~~968.38~~ 968.725 (4) may,  
3 without first obtaining informed consent to the testing, subject an individual to a test  
4 or a series of tests to ascertain whether that individual is infected with a sexually  
5 transmitted disease. No sample used for performance of a test under this subsection  
6 may disclose the name of the test subject.

7           **SECTION 100.** 252.11 (7) of the statutes is amended to read:

8           252.11 **(7)** Reports, examinations, and inspections and all records concerning  
9 sexually transmitted diseases are confidential and not open to public inspection, and  
10 may not be divulged except as may be necessary for the preservation of the public  
11 health, in the course of commitment proceedings under sub. (5), or as provided under  
12 s. 938.296 (4) or ~~968.38~~ 968.725 (4). If a physician, physician assistant, or advanced  
13 practice nurse prescriber has reported a case of sexually transmitted disease to the  
14 department under sub. (4), information regarding the presence of the disease and  
15 treatment is not privileged when the patient, physician, physician assistant, or  
16 advanced practice nurse prescriber is called upon to testify to the facts before any  
17 court of record.

18           **SECTION 101.** 252.15 (2m) (b) 3., (3m) (d) 14. and (4) (c) of the statutes are  
19 amended to read:

20           252.15 **(2m)** (b) 3. HIV testing by a health care professional acting under an  
21 order of the court under sub. (5j) or s. 938.296 (4) or (5) or ~~968.38~~ 968.725 (4) or (5).  
22 No sample used for laboratory test purposes under this subdivision may disclose the  
23 name of the HIV test subject, and the HIV test results may not be made part of the  
24 individual's permanent medical record.

1           **(3m)** (d) 14. To a person under s. 938.296 (4) (a) to (e) as specified in s. 938.296  
2           (4); to a person under s. 938.296 (5) (a) to (e) as specified in s. 938.296 (5); to a person  
3           under s. ~~968.38~~ 968.725 (4) (a) to (c) as specified in s. ~~968.38~~ 968.725 (4); or to a person  
4           under s. ~~968.38~~ 968.725 (5) (a) to (c) as specified in s. ~~968.38~~ 968.725 (5).

5           **(4)** (c) A record of the results of an HIV test administered to the person, except  
6           that results of an HIV test administered under sub. (5g) or (5j) or s. 938.296 (4) or  
7           (5) or ~~968.38~~ 968.725 (4) or (5) that include the identity of the test subject may not  
8           be maintained without the consent of the test subject.

9           **SECTION 102.** 301.03 (3c) of the statutes is amended to read:

10           301.03 **(3c)** If requested by the department of health services, contract with  
11           that department to supervise and provide services to persons who are conditionally  
12           transferred or discharged under s. 51.37 (9), conditionally released under s. ~~971.17~~  
13           971.85 (3), or placed on supervised release under s. 980.06 (2), 1997 stats., or s.  
14           980.08.

15           **SECTION 103.** 301.03 (7m) of the statutes is amended to read:

16           301.03 **(7m)** Supervise criminal defendants accepted into the custody of the  
17           department under s. ~~969.02 (3) (a) or 969.03 (1) (a)~~ ch. 969. The department shall  
18           charge the county that is prosecuting the defendant a fee for providing this  
19           supervision. The department shall set the fee by rule.

20           **SECTION 104.** 301.45 (1g) (c) of the statutes is amended to read:

21           301.45 **(1g)** (c) Is found not guilty or not responsible by reason of mental disease  
22           or defect on or after December 25, 1993, and committed under s. 51.20 or ~~971.17~~  
23           subch. VII of ch. 971 for a sex offense.

24           **SECTION 105.** 301.45 (1g) (d) of the statutes is amended to read:

1           301.45 (1g) (d) Is in institutional care or on conditional transfer under s. 51.35  
2 (1) or conditional release under s. ~~971.17~~ 971.85 on or after December 25, 1993, for  
3 a sex offense.

4           **SECTION 106.** 301.45 (1g) (dd) of the statutes is amended to read:

5           301.45 (1g) (dd) Is in institutional care or on conditional transfer under s. 51.35  
6 (1) or conditional release under s. ~~971.17~~ 971.85 on or after December 25, 1993, for  
7 a violation, or for the solicitation, conspiracy or attempt to commit a violation, of a  
8 law of this state that is comparable to a sex offense.

9           **SECTION 107.** 301.45 (1g) (e) of the statutes is amended to read:

10           301.45 (1g) (e) Is ordered by a court under s. 51.20 (13) (ct) 1m., 938.34 (15m)  
11 (am), 938.345 (3), ~~971.17~~ 971.85 (1m) (b) 1m., or 973.048 (1m) to comply with the  
12 reporting requirements under this section.

13           **SECTION 108.** 301.45 (1m) (b) of the statutes is amended to read:

14           301.45 (1m) (b) If a person believes that he or she is not required under par.  
15 (a) to comply with the reporting requirements under this section and the person is  
16 not before the court under s. 51.20 (13) (ct), 938.34 (15m), ~~971.17~~ 971.85 (1m) (b), or  
17 973.048, the person may move a court to make a determination of whether the person  
18 satisfies the criteria specified in par. (a). A motion made under this paragraph shall  
19 be filed with the circuit court for the county in which the person was convicted,  
20 adjudicated delinquent or found not guilty or not responsible by reason of mental  
21 disease or defect.

22           **SECTION 109.** 301.45 (1m) (be) of the statutes is amended to read:

23           301.45 (1m) (be) A person who files a motion under par. (b) or s. 51.20 (13) (ct)  
24 2m., 938.34 (15m) (bm), ~~971.17~~ 971.85 (1m) (b) 2m., or 973.048 (2m) requesting a  
25 determination of whether the person is required to comply with the reporting

1 requirements under this section shall send a copy of the motion to the district  
2 attorney for the county in which the motion is filed. The district attorney shall make  
3 a reasonable attempt to contact the victim of the crime that is the subject of the  
4 person's motion to inform the victim of his or her right to make or provide a statement  
5 under par. (bv).

6 **SECTION 110.** 301.45 (1m) (bm) of the statutes is amended to read:

7 301.45 **(1m)** (bm) A court shall hold a hearing on a motion made by a person  
8 under par. (b) or s. 51.20 (13) (ct) 2m., 938.34 (15m) (bm), ~~971.17~~ 971.85 (1m) (b) 2m.,  
9 or 973.048 (2m) requesting a determination of whether the person is required to  
10 comply with the reporting requirements under this section. The district attorney  
11 who receives a copy of a motion under par. (be) may appear at the hearing.

12 **SECTION 111.** 301.45 (1m) (bv) of the statutes is amended to read:

13 301.45 **(1m)** (bv) Before deciding a motion filed under par. (b) or s. 51.20 (13)  
14 (ct) 2m., 938.34 (15m) (bm), ~~971.17~~ 971.85 (1m) (b) 2m., or 973.048 (2m) requesting  
15 a determination of whether the person is required to comply with the reporting  
16 requirements under this section, the court shall allow the victim of the crime that is  
17 the subject of the motion to make a statement in court at the hearing under par. (bm)  
18 or to submit a written statement to the court. A statement under this paragraph  
19 must be relevant to whether the person satisfies the criteria specified in par. (a).

20 **SECTION 112.** 301.45 (1m) (d) 1. of the statutes is amended to read:

21 301.45 **(1m)** (d) 1. Before deciding a motion filed by a person under par. (b) or  
22 s. 51.20 (13) (ct) 2m., 938.34 (15m) (bm), ~~971.17~~ 971.85 (1m) (b) 2m., or 973.048 (2m)  
23 requesting a determination of whether the person is required to comply with the  
24 reporting requirements under this section, a court may request the person to be  
25 examined by a physician, psychologist, or other expert approved by the court. If the

1 person refuses to undergo an examination requested by the court under this  
2 subdivision, the court shall deny the person's motion without prejudice.

3 **SECTION 113.** 301.45 (1m) (e) (intro.) of the statutes is amended to read:

4 301.45 **(1m)** (e) (intro.) At the hearing held under par. (bm), the person who  
5 filed the motion under par. (b) or s. 51.20 (13) (ct) 2m., 938.34 (15m) (bm), 971.17  
6 971.85 (1m) (b) 2m., or 973.048 (2m) has the burden of proving by clear and  
7 convincing evidence that he or she satisfies the criteria specified in par. (a). In  
8 deciding whether the person has satisfied the criterion specified in par. (a) 3., the  
9 court may consider any of the following:

10 **SECTION 114.** 301.45 (1p) (b) of the statutes is amended to read:

11 301.45 **(1p)** (b) If a person is covered under sub. (1g) based solely on an order  
12 that was entered under s. 971.17 (1m) (b) 1m., 2013 stats., or under s. 51.20 (13) (ct)  
13 1m., 938.34 (15m) (am), 938.345 (3) (a), 971.17 971.85 (1m) (b) 1m., or 973.048 (1m)  
14 in connection with a violation, or the solicitation, conspiracy, or attempt to commit  
15 a violation, of s. 942.09, and the court provided in the order that the person be  
16 released from the requirement to comply with the reporting requirements under this  
17 section upon satisfying the conditions of the court order under s. 51.20 (13) (ct) 1m.  
18 or the dispositional order under subch. VI of ch. 938, upon the termination or  
19 expiration of a commitment order under s. 971.17, 2013 stats., or under s. 971.85, or  
20 upon successful completion of the sentence or probation as provided under s. 973.048  
21 (1m) (b), whichever is applicable, and the person satisfies the conditions of the court  
22 order under s. 51.20 (13) (ct) 1m. or the dispositional order under subch. VI of ch. 938,  
23 the commitment order under s. 971.17, 2013 stats., or under s. 971.85 is terminated  
24 or expires, or the person successfully completes the sentence or probation, whichever

1 is applicable, the person is no longer required to comply with the reporting  
2 requirements under this section.

3 **SECTION 115.** 301.45 (3) (a) 3. of the statutes is amended to read:

4 301.45 (3) (a) 3. If the person has been committed under s. 51.20 or ~~971.17~~  
5 971.85, he or she is subject to this subsection upon being placed on conditional  
6 release under s. ~~971.17~~ 971.85 or on a conditional transfer under s. 51.35 (1) or, if he  
7 or she was not placed on conditional release or on a conditional transfer, before he  
8 or she is terminated under s. ~~971.17~~ 971.85 (5) or discharged under s. 51.35 (4) or  
9 ~~971.17~~ 971.85 (6).

10 **SECTION 116.** 301.45 (3) (b) 3. of the statutes is amended to read:

11 301.45 (3) (b) 3. The department of health services shall notify a person who  
12 is being placed on conditional release, supervised release, conditional transfer or  
13 parole, or is being terminated or discharged from a commitment, under s. 51.20,  
14 51.35, or ~~971.17~~ 971.85 or ch. 975 or 980 and who is covered under sub. (1g) of the  
15 need to comply with the requirements of this section.

16 **SECTION 117.** 301.45 (5) (a) 3. of the statutes is amended to read:

17 301.45 (5) (a) 3. If the person has been committed to the department of health  
18 services under s. 51.20 or ~~971.17~~ 971.85 and is in institutional care or on conditional  
19 transfer under s. 51.35 (1) or conditional release under s. ~~971.17~~ 971.85 for a sex  
20 offense, 15 years after termination of the commitment for the sex offense under s.  
21 ~~971.17~~ 971.85 (5) or discharge from the commitment for the sex offense under s. 51.35  
22 (4) or ~~971.17~~ 971.85 (6).

23 **SECTION 118.** 301.45 (5) (b) 3. of the statutes is amended to read:

24 301.45 (5) (b) 3. The court that ordered the person to comply with the reporting  
25 requirements of this section under s. 51.20 (13) (ct), 938.34 (15m), 938.345 (3), ~~971.17~~

1 971.85 (1m) (b), or 973.048 also ordered the person to comply with the requirements  
2 until his or her death.

3 **SECTION 119.** 301.45 (6) (a) 2. a. of the statutes is amended to read:

4 301.45 (6) (a) 2. a. The person was ordered under s. 51.20 (13) (ct) 1m., 938.34  
5 (15m) (am), 938.345 (3), ~~971.17~~ 971.85 (1m) (b) 1m., or 973.048 (1m) to comply with  
6 the reporting requirements under this section based on a finding that he or she  
7 committed or solicited, conspired, or attempted to commit a misdemeanor.

8 **SECTION 120.** 301.45 (6) (ag) 2. a. of the statutes is amended to read:

9 301.45 (6) (ag) 2. a. The person was ordered under s. 51.20 (13) (ct) 1m., 938.34  
10 (15m) (am), 938.345 (3), ~~971.17~~ 971.85 (1m) (b) 1m., or 973.048 (1m) to comply with  
11 the reporting requirements under this section based on a finding that he or she  
12 committed or solicited, conspired, or attempted to commit a misdemeanor.

13 **SECTION 121.** 301.45 (6) (bm) of the statutes is amended to read:

14 301.45 (6) (bm) Subject to s. ~~971.19~~ 970.14 (9), a district attorney or, upon the  
15 request of a district attorney, the department of justice may prosecute a knowing  
16 failure to comply with any requirement to provide information under subs. (2) to (4).  
17 If the department of corrections determines that there is probable cause to believe  
18 that a person has knowingly failed to comply with any requirement to provide  
19 information under subs. (2) to (4) or has intentionally violated sub. (4r), the  
20 department shall forward a certified copy of all pertinent departmental information  
21 to the applicable district attorney. The department shall certify the copy in  
22 accordance with s. 889.08.

23 **SECTION 122.** 301.45 (7) (f) 4. of the statutes is amended to read:

24 301.45 (7) (f) 4. If the person was ordered by a court under s. ~~971.17~~ 971.85 (1m)  
25 (b) 1m. to comply with the reporting requirements under this section, when the

1 department receives notice under s. ~~971.17~~ 971.85 (6m) (b) 2. that the commitment  
2 order under s. ~~971.17~~ 971.85 is terminated or has expired.

3 **SECTION 123.** 301.46 (3) (d) of the statutes is amended to read:

4 301.46 (3) (d) The department of health services shall provide the department  
5 with access to the names of victims or the family members of victims who have  
6 completed cards requesting notification under s. ~~971.17~~ 971.85 (6m) or 980.11.

7 **SECTION 124.** 301.47 (3) (b) 1. of the statutes is amended to read:

8 301.47 (3) (b) 1. The person was ordered under s. 51.20 (13) (ct) 1m., 938.34  
9 (15m) (am), 938.345 (3), ~~971.17~~ 971.85 (1m) (b) 1m., or 973.048 (1m) to comply with  
10 the reporting requirements under s. 301.45 based on a finding that he or she  
11 committed or solicited, conspired, or attempted to commit a misdemeanor.

12 **SECTION 125.** 301.48 (2) (a) 4. of the statutes is amended to read:

13 301.48 (2) (a) 4. A court that found the person not guilty of a serious child sex  
14 offense by reason of mental disease or ~~mental~~ defect places the person on conditional  
15 release.

16 **SECTION 126.** 301.48 (2) (a) 5. of the statutes is amended to read:

17 301.48 (2) (a) 5. A court that found the person not guilty of a serious child sex  
18 offense by reason of mental disease or ~~mental~~ defect discharges the person under s.  
19 ~~971.17~~ 971.85 (6). This subdivision does not apply if the person was on conditional  
20 release immediately before being discharged.

21 **SECTION 127.** 302.113 (9) (e) of the statutes is amended to read:

22 302.113 (9) (e) If a hearing is to be held under par. (am) before the division of  
23 hearings and appeals in the department of administration, the hearing examiner  
24 may order that a deposition be taken by audiovisual means and allow the use of a  
25 recorded deposition under s. ~~967.04 (7) to (10)~~ 967.22.

1           **SECTION 128.** 302.114 (9) (d) of the statutes is amended to read:

2           302.114 (9) (d) If a hearing is to be held under par. (am) before the division of  
3 hearings and appeals in the department of administration, the hearing examiner  
4 may order that a deposition be taken by audiovisual means and allow the use of a  
5 recorded deposition under s. ~~967.04 (7) to (10)~~ 967.22.

6           **SECTION 129.** 304.06 (3) of the statutes is amended to read:

7           304.06 (3) Every paroled prisoner remains in the legal custody of the  
8 department unless otherwise provided by the department. If the department alleges  
9 that any condition or rule of parole has been violated by the prisoner, the department  
10 may take physical custody of the prisoner for the investigation of the alleged  
11 violation. If the department is satisfied that any condition or rule of parole has been  
12 violated it shall afford the prisoner such administrative hearings as are required by  
13 law. Unless waived by the parolee, the final administrative hearing shall be held  
14 before a hearing examiner from the division of hearings and appeals in the  
15 department of administration who is licensed to practice law in this state. The  
16 hearing examiner shall enter an order revoking or not revoking parole. Upon request  
17 by either party, the administrator of the division of hearings and appeals shall review  
18 the order. The hearing examiner may order that a deposition be taken by audiovisual  
19 means and allow the use of a recorded deposition under s. ~~967.04 (7) to (10)~~ 967.22.  
20 If the parolee waives the final administrative hearing, the secretary of corrections  
21 shall enter an order revoking or not revoking parole. If the examiner, the  
22 administrator upon review, or the secretary in the case of a waiver finds that the  
23 prisoner has violated the rules or conditions of parole, the examiner, the  
24 administrator upon review, or the secretary in the case of a waiver, may order the  
25 prisoner returned to prison to continue serving his or her sentence, or to continue on

1 parole. If the prisoner claims or appears to be indigent, the department shall refer  
2 the prisoner to the authority for indigency determinations specified under s. 977.07  
3 (1).

4 **SECTION 130.** 322.0767 (1) (a) of the statutes is amended to read:

5 322.0767 (1) (a) If a person subject to a general court-martial is found to lack  
6 substantial mental capacity to understand the proceedings or assist in his or own  
7 defense and the military judge determined that the person is likely to become  
8 competent within the maximum period specified under s. ~~971.14~~ 971.81 (5) (a), the  
9 court-martial convening authority for the person shall commit the person to the  
10 custody of the department of health services ~~under as provided in~~ s. ~~971.14~~ 971.81  
11 (5). If the military judge determines that the defendant is not likely to become  
12 competent in the time period specified under s. ~~971.14~~ 971.81 (5), the military judge  
13 shall suspend or terminate the general court-martial.

14 **SECTION 131.** 322.0767 (1) (b) of the statutes is amended to read:

15 322.0767 (1) (b) The department of health services shall submit all reports that  
16 are required under s. ~~971.14~~ 971.81 (5) (b) and that pertain to a person subject to a  
17 commitment order under par. (a) to the court-martial.

18 **SECTION 132.** 322.0767 (1) (c) of the statutes is amended to read:

19 322.0767 (1) (c) Upon receiving a report under s. ~~971.14~~ 971.81 (5) (b), the  
20 court-martial shall make a determination as to whether the person has become  
21 competent. If the court-martial determines that the defendant has become  
22 competent, the court-martial shall terminate the commitment to the department of  
23 health services and resume the general court-martial. If the court-martial  
24 determines that the person is making sufficient progress toward becoming  
25 competent, the commitment shall continue. If the court-martial determines that the

1 person is not likely to become competent to proceed in the time period specified under  
2 s. ~~971.14~~ 971.81 (5) (a), the court-martial shall suspend or terminate the  
3 commitment order under this subsection.

4 **SECTION 133.** 322.0767 (1) (d) of the statutes is amended to read:

5 322.0767 (1) (d) If a person who has been restored to competency again becomes  
6 incompetent, the maximum commitment period under s. ~~971.14~~ 971.81 (5) (a) shall  
7 be as provided under s. ~~971.14~~ 971.81 (5) (d).

8 **SECTION 134.** 322.0767 (2) (a) of the statutes is amended to read:

9 322.0767 (2) (a) If a court-martial finds a person not guilty by reason of mental  
10 disease or defect, the court-martial shall commit the person to the custody of the  
11 department of health services for a period not to exceed that described under s.  
12 ~~971.17~~ 971.85 (1).

13 **SECTION 135.** 322.0767 (2) (b) of the statutes is amended to read:

14 322.0767 (2) (b) Using the standard under s. ~~971.17~~ 971.85 (3) (a), the  
15 court-martial shall determine whether the commitment order under par. (a) shall  
16 specify institutional care or conditional release.

17 **SECTION 136.** 322.0767 (2) (c) of the statutes is amended to read:

18 322.0767 (2) (c) The court-martial has the same authority as a circuit court has  
19 under s. ~~971.17~~ 971.85 (2) to order the department of health services to conduct a  
20 predisposition investigation using the procedure in s. ~~972.15~~ 973.004 or a mental  
21 examination as provided under s. ~~971.17~~ 971.85 (2) (b), (c), and (e) to assist the  
22 court-martial in determining whether to place the person in institutional care or to  
23 conditionally release the person.

24 **SECTION 137.** 322.0767 (2) (d) of the statutes is amended to read:

1           322.0767 (2) (d) If the court-martial specifies institutional care, the  
2 department of health services shall place the person in an institution as provided  
3 under s. ~~971.17~~ 971.85 (3) (c). If the court-martial specifies conditional release, the  
4 department of health services, in conjunction with the person's county of residence,  
5 shall develop a plan for conditional release as provided under s. ~~971.17~~ 971.85 (3) (d).

6           **SECTION 138.** 322.0767 (2) (e) of the statutes is amended to read:

7           322.0767 (2) (e) After the court-martial enters an order under this subsection  
8 and transfers custody of a person to the department of health services, the person  
9 shall be subject to s. ~~971.17~~ 971.85 and the circuit court for the county in which the  
10 person is institutionalized or where the person is placed on conditional release shall  
11 have jurisdiction in proceedings under s. ~~971.17~~ 971.85.

12           **SECTION 139.** 343.305 (9) (c) of the statutes is amended to read:

13           343.305 (9) (c) If a law enforcement officer informs the circuit or municipal  
14 court that a person has refused to submit to a test under sub. (3) (a), (am), or (ar), the  
15 court shall be prepared to hold any requested hearing to determine if the refusal was  
16 proper. The scope of the hearing shall be limited to the issues outlined in par. (a) 5.  
17 or (am) 5. Section ~~967.055~~ 970.25 applies to any hearing under this subsection.

18           **SECTION 140.** 345.20 (1) (a) of the statutes is amended to read:

19           345.20 (1) (a) "Judge" ~~has the meaning specified in s. 967.02 (6)~~ means a judge  
20 of a court of record.

21           **SECTION 141.** 345.20 (2) (c) of the statutes is amended to read:

22           345.20 (2) (c) ~~Sections 967.055 and 972.11 (3m) apply~~ Section 970.25 applies  
23 to traffic forfeiture actions for violations of s. 346.63 (1) or (5) or a local ordinance in  
24 conformity therewith.

25           **SECTION 142.** 345.28 (3) (a) of the statutes is amended to read:

1           345.28 (3) (a) If the person does not pay the forfeiture or appear in court in  
2 response to the citation for a nonmoving traffic violation on the date specified in the  
3 citation or, if no date is specified in the citation, within 28 days after the citation is  
4 issued, the authority that issued the citation may issue a summons under s. 968.04  
5 ~~(3) (b)~~ 969.22 to the person and, in lieu of or in addition to issuing the summons, may  
6 proceed under sub. (4) or (5) but, except as provided in this section, no warrant may  
7 be issued for the person. If the person does not pay towing and storage charges  
8 associated with a citation for a nonmoving traffic violation, the authority that issued  
9 the citation may proceed under sub. (4).

10           **SECTION 143.** 345.28 (5) (b) 1. of the statutes is amended to read:

11           345.28 (5) (b) 1. If a person fails to respond to the notices under par. (a) within  
12 the time specified in the notice, a warrant that substantially complies with the  
13 mandatory provisions under s. 968.04 ~~(3) (a)~~ 969.21 (1) may be issued for the person,  
14 except that the warrant shall direct the officer to accept the person's deposit of money  
15 or his or her valid Wisconsin operator's license, as provided under subd. 2. a., in lieu  
16 of serving the warrant and arresting the person.

17           **SECTION 144.** 345.31 of the statutes is amended to read:

18           **345.31 Venue in traffic regulation actions.** Section 971.19 ~~on place~~ 970.14  
19 on venue of trial in criminal actions applies to actions for the violation of traffic  
20 regulations and nonmoving traffic violations except that, in the case of a violation of  
21 an ordinance of a municipality which is located in more than one county, the action  
22 may be brought in any court sitting in that municipality even though in another  
23 county. As an alternative, the plaintiff may bring the action in the county where the  
24 defendant resides.

25           **SECTION 145.** 346.63 (2) (am) of the statutes is amended to read:

1           346.63 (2) (am) A person may be charged with and a prosecutor may proceed  
2 upon a complaint based upon a violation of any combination of par. (a) 1., 2., or 3. for  
3 acts arising out of the same incident or occurrence. If the person is charged with  
4 violating any combination of par. (a) 1., 2., or 3. in the complaint, the crimes shall be  
5 joined under s. ~~971.12~~ 970.13. If the person is found guilty of any combination of par.  
6 (a) 1., 2., or 3. for acts arising out of the same incident or occurrence, there shall be  
7 a single conviction for purposes of sentencing and for purposes of counting  
8 convictions under ss. 343.30 (1q) and 343.305. Paragraph (a) 1., 2., and 3. each  
9 require proof of a fact for conviction which the others do not require.

10           **SECTION 146.** 346.63 (6) (b) of the statutes is amended to read:

11           346.63 (6) (b) A person may be charged with and a prosecutor may proceed upon  
12 a complaint based upon a violation of par. (a) or sub. (2) (a) 1. or both for acts arising  
13 out of the same incident or occurrence. If the person is charged with violating both  
14 par. (a) and sub. (2) (a) 1. in the complaint, the crimes shall be joined under s. ~~971.12~~  
15 970.13. If the person is found guilty of violating both par. (a) and sub. (2) (a) 1. for  
16 acts arising out of the same incident or occurrence, there shall be a single conviction  
17 for purposes of sentencing and for purposes of counting convictions. Paragraph (a)  
18 and sub. (2) (a) 1. each require proof of a fact for conviction which the other does not  
19 require.

20           **SECTION 147.** 346.74 (5) (e) of the statutes is repealed.

21           **SECTION 148.** 350.101 (2) (c) of the statutes is amended to read:

22           350.101 (2) (c) *Related charges.* A person may be charged with and a prosecutor  
23 may proceed upon a complaint based upon a violation of any combination of par. (a),  
24 (b), or (bm) for acts arising out of the same incident or occurrence. If the person is  
25 charged with violating any combination of par. (a), (b), or (bm) in the complaint, the

1 crimes shall be joined under s. ~~971.12~~ 970.13. If the person is found guilty of any  
2 combination of par. (a), (b), or (bm) for acts arising out of the same incident or  
3 occurrence, there shall be a single conviction for purposes of sentencing and for  
4 purposes of counting convictions under s. 350.11 (3) (a) 2. and 3. Paragraphs (a), (b),  
5 and (bm) each require proof of a fact for conviction which the others do not require.

6 **SECTION 149.** 551.602 (5) (b) of the statutes is amended to read:

7 551.602 (5) (b) The immunity provided under par. (a) is subject to the  
8 restrictions under s. ~~972.085~~ 967.18.

9 **SECTION 150.** 553.55 (3) (b) of the statutes is amended to read:

10 553.55 (3) (b) The immunity provided under par. (a) is subject to the restrictions  
11 under s. ~~972.085~~ 967.18.

12 **SECTION 151.** 601.62 (5) (b) of the statutes is amended to read:

13 601.62 (5) (b) The immunity provided under par. (a) is subject to the restrictions  
14 under s. ~~972.085~~ 967.18.

15 **SECTION 152.** 631.95 (1) (c) of the statutes is amended to read:

16 631.95 (1) (c) "Domestic abuse" has the meaning given in s. ~~968.075 (1) (a)~~  
17 969.27 (1) (a).

18 **SECTION 153.** 704.16 (1) (b) 4. of the statutes is amended to read:

19 704.16 (1) (b) 4. A condition of release under s. 974.09 or ch. 969 ordering the  
20 person not to contact the tenant.

21 **SECTION 154.** 704.16 (1) (b) 7. of the statutes is amended to read:

22 704.16 (1) (b) 7. A criminal complaint that was filed against the person as a  
23 result of the person being arrested for committing a domestic abuse offense against  
24 the tenant under s. ~~968.075~~ 969.27.

25 **SECTION 155.** 704.16 (3) (b) 2. d. of the statutes is amended to read:

1           704.16 (3) (b) 2. d. A condition of release under s. 974.09 or ch. 969 ordering the  
2 offending tenant not to contact the other tenant.

3           **SECTION 156.** 704.16 (3) (b) 2. g. of the statutes is amended to read:

4           704.16 (3) (b) 2. g. A criminal complaint that was filed against the offending  
5 tenant as a result of the offending tenant being arrested for committing a domestic  
6 abuse offense against the other tenant under s. ~~968.075~~ 969.27.

7           **SECTION 157.** 756.06 (2) (a) of the statutes is amended to read:

8           756.06 (2) (a) A jury in a criminal case shall consist of 12 persons unless both  
9 parties agree on a lesser number as provided in s. ~~972.02~~ 972.025 (2).

10          **SECTION 158.** 756.06 (2) (c) of the statutes is amended to read:

11          756.06 (2) (c) A jury in a case involving an offense for which a forfeiture may  
12 be imposed or in an inquest under s. ~~979.05~~ 968.025 shall consist of 6 persons.

13          **SECTION 159.** 757.54 (2) (a) 1. of the statutes is amended to read:

14          757.54 (2) (a) 1. “Custody” has the meaning given in s. ~~968.205~~ 968.645 (1) (a).

15          **SECTION 160.** 757.54 (2) (a) 2. of the statutes is amended to read:

16          757.54 (2) (a) 2. “Discharge date” has the meaning given in s. ~~968.205~~ 968.645  
17 (1) (b).

18          **SECTION 161.** 757.69 (1) (b) of the statutes is amended to read:

19          757.69 (1) (b) In criminal matters issue summonses, arrest warrants, or search  
20 warrants, determine probable cause to support a warrantless arrest, ~~conduct~~  
21 perform the duties of the court at an initial appearances of persons arrested  
22 appearance under s. 971.028, set bail, inform the defendant in accordance with s.  
23 ~~970.02 (1),~~ refer the person to the authority for indigency determinations specified  
24 under s. 977.07 (1), conduct the preliminary examination and arraignment, and,  
25 with the consent of both the state and the defendant, accept a guilty plea. If a court

1 refers a disputed restitution issue under s. 973.20 (13) (c) 4., the circuit court  
2 commissioner shall conduct the hearing on the matter in accordance with s. 973.20  
3 (13) (c) 4.

4 **SECTION 162.** 757.69 (1) (i) of the statutes is amended to read:

5 757.69 (1) (i) Conduct inquests under subch. I of ch. 979 968.

6 **SECTION 163.** 758.171 of the statutes is amended to read:

7 **758.171 Judicial conference: uniform citation.** The judicial conference  
8 shall adopt a uniform citation form for use as authorized under s. ~~968.085~~ 969.24.  
9 A duly authenticated copy of this form shall be furnished to the secretary of state and  
10 kept on file in his or her office. The secretary of state shall transmit a copy of this  
11 form to the clerks of circuit court.

12 **SECTION 164.** 767.87 (4) (b) of the statutes is amended to read:

13 767.87 (4) (b) The immunity provided under par. (a) is subject to the restrictions  
14 under s. ~~972.085~~ 967.18.

15 **SECTION 165.** 781.04 (1) of the statutes is amended to read:

16 781.04 (1) In an action or proceeding seeking the remedy available by habeas  
17 corpus, the court may admit the prisoner to bail in accordance with s. 974.09 or ch.  
18 969.

19 **SECTION 166.** 800.035 (8) of the statutes is amended to read:

20 800.035 (8) If the defendant does not appear, but has made a deposit in the  
21 amount set for the violation, he or she is deemed to have tendered a plea of no contest  
22 and submits to a forfeiture, plus costs, fees, and surcharges imposed under ch. 814,  
23 not exceeding the amount of the deposit. The court may impose any other penalties  
24 allowed by law. The court may either accept the plea of no contest and enter  
25 judgment accordingly, or reject the plea and issue a summons. If the court finds that

1 the violation meets the conditions in s. 800.093 (1), the court may summon the  
2 alleged violator into court to determine if restitution shall be ordered under s.  
3 800.093. If the defendant fails to appear in response to the summons, the court may  
4 issue a warrant under s. ~~968.09~~ 969.50. If the defendant has made a deposit but does  
5 appear, the court shall allow the defendant to withdraw the plea of no contest.

6 **SECTION 167.** 801.02 (7) (a) 2. c. of the statutes is amended to read:

7 801.02 (7) (a) 2. c. A person bringing an action seeking relief from a judgment  
8 of conviction or a sentence of a court, including an action for an extraordinary writ  
9 or a supervisory writ seeking relief from a judgment of conviction or a sentence of a  
10 court or an action under s. 809.30, 809.40, ~~973.19~~ 974.03, 974.06 or 974.07.

11 **SECTION 168.** 801.02 (7) (a) 2. e. of the statutes is amended to read:

12 801.02 (7) (a) 2. e. A person who is not serving a sentence for the conviction of  
13 a crime but who is detained, admitted or committed under ch. 51 or 55 or s. ~~971.14~~  
14 971.81 (2) or (5).

15 **SECTION 169.** 801.50 (5t) of the statutes is renumbered 801.50 (5t) (a) and  
16 amended to read:

17 801.50 (5t) (a) Except as otherwise provided in ss. 801.52 and ~~971.223~~ 971.72  
18 (1) and (2), venue in a civil action to impose a forfeiture upon a resident of this state  
19 for a violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, or for a  
20 violation of any other law arising from or in relation to the official functions of the  
21 subject of the investigation or any matter that involves elections, ethics, or lobbying  
22 regulation under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, shall be in  
23 circuit court for the county where the defendant resides. For purposes of this  
24 subsection ~~paragraph~~, a person other than a natural person resides within a county

1 if the person's principal place of operation is located within that county. This  
2 subsection

3 (b) Paragraph (a) does not affect which prosecutor has responsibility under s.  
4 978.05 (2) to prosecute civil actions arising from violations under s. ~~971.223~~ (1)  
5 described under par. (a).

6 **SECTION 170.** 801.52 of the statutes is amended to read:

7 **801.52 Discretionary change of venue.** The court may at any time, upon  
8 its own motion, the motion of a party or the stipulation of the parties, change the  
9 venue to any county in the interest of justice or for the convenience of the parties or  
10 witnesses, except that venue in a civil action to impose a forfeiture for a violation of  
11 chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 or for a violation of any other  
12 law arising from or in relation to the official functions of the subject of the  
13 investigation or any matter that involves elections, ethics, or lobbying regulation  
14 under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, may be changed only  
15 as provided in s. ~~971.223~~ 971.72 (1) and (2) or in the same manner that is authorized  
16 for a change in the venue of a criminal trial under s. ~~971.22~~ 971.70. This section does  
17 not apply to proceedings under ch. 980.

18 **SECTION 171.** 807.05 of the statutes is amended to read:

19 **807.05 Stipulations.** No agreement, stipulation, or consent between the  
20 parties or their attorneys, in respect to the proceedings in an action or special  
21 proceeding shall be binding unless made in court or during a proceeding conducted  
22 under s. 807.13 or ~~967.08~~ 967.14 and entered in the minutes or recorded by the  
23 reporter, or made in writing and subscribed by the party to be bound thereby or the  
24 party's attorney.

25 **SECTION 172.** 808.04 (3) of the statutes is amended to read:

1           808.04 (3) Except as provided in subs. (4) and (7), an appeal in a proceeding  
2           under s. ~~971.17~~ 971.85, a criminal case, or a case under ch. 48, 51, 55, 938, or 980 shall  
3           be initiated within the time period specified in s. 809.30 (2) or 809.32 (2), whichever  
4           is applicable.

5           **SECTION 173.** 808.04 (4) of the statutes is amended to read:

6           808.04 (4) Except as provided in sub. (7m), an appeal by the state in a  
7           proceeding under s. ~~971.17~~ 971.85, a criminal case under s. 974.05, or a case under  
8           ch. 48, 938, or 980 shall be initiated within 45 days of entry of the judgment or order  
9           appealed from.

10          **SECTION 174.** 808.075 (4) (b) 4. of the statutes is amended to read:

11          808.075 (4) (b) 4. Commitment, conditional release, recommitment, and  
12          discharge under s. ~~971.17~~ 971.85 of a person found not guilty by reason of mental  
13          disease or defect.

14          **SECTION 175.** 808.075 (4) (g) 1. of the statutes is amended to read:

15          808.075 (4) (g) 1. Release on bond conditions under s. 809.31 or ~~969.01 (2)~~  
16          974.09 or ch. 969.

17          **SECTION 176.** 808.075 (4) (g) 2. of the statutes is amended to read:

18          808.075 (4) (g) 2. Modification or revocation of bond ~~under s. 969.01 (2) (e) or~~  
19          ~~969.08~~ conditions of release under s. 974.09 (2) or ch. 969.

20          **SECTION 177.** 808.075 (4) (g) 7. of the statutes is amended to read:

21          808.075 (4) (g) 7. Commitment, conditional release, recommitment, and  
22          discharge under s. ~~971.17~~ 971.85 of a person found not guilty by reason of mental  
23          disease or defect.

24          **SECTION 178.** Subchapter III (title) of chapter 809 [precedes 809.30] of the  
25          statutes is amended to read:

**CHAPTER 809****SUBCHAPTER III****APPEAL PROCEDURE IN COURT OF  
APPEALS IN S. ~~971.17~~ 971.85 PROCEEDINGS AND  
IN CRIMINAL AND CH. 48, 51, 55, 938,  
AND 980 CASES**

**SECTION 179.** 809.30 (title) of the statutes is amended to read:

**809.30 (title) Rule (Appeals in s. ~~971.17~~ 971.85 proceedings and in criminal, ch. 48, 51, 55, 938, and 980 cases).**

**SECTION 180.** 809.30 (1) (a) of the statutes is amended to read:

809.30 (1) (a) “Final adjudication” means the entry of a final judgment or order by the circuit court in a s. ~~971.17~~ 971.85 proceeding, in a criminal case, or in a ch. 48, 51, 55, 938, or 980 case, other than a termination of parental rights case under s. 48.43 or a parental consent to abortion case under s. 48.375 (7).

**SECTION 181.** 809.30 (1) (b) 4. of the statutes is amended to read:

809.30 (1) (b) 4. A subject individual or ward seeking postdisposition relief in a s. ~~971.17~~ 971.85 proceeding or a case under ch. 51, 55, or 980.

**SECTION 182.** 809.30 (1) (c) of the statutes is amended to read:

809.30 (1) (c) “Postconviction relief” means an appeal or a motion for postconviction relief in a criminal case, other than an appeal, motion, or petition under ss. 302.113 (7m) or (9g), ~~973.19~~, 973.195, 973.198, 974.03, 974.06, or 974.07 (2). In a ch. 980 case, the term means an appeal or a motion for postcommitment relief under s. 980.038 (4).

**SECTION 183.** 809.30 (1) (e) of the statutes is amended to read:

1           809.30 (1) (e) “Prosecutor” means a district attorney, corporation counsel, or  
2 other attorney authorized by law to represent the state in a criminal case, a  
3 proceeding under s. ~~971.17~~ 971.85, or a case under ch. 48, 51, 55, 938, or 980.

4           **SECTION 184.** 809.30 (2) (a) of the statutes is amended to read:

5           809.30 (2) (a) *Appeal procedure; counsel to continue.* A person seeking  
6 postconviction relief in a criminal case; a person seeking postdisposition relief in a  
7 case under ch. 48 other than a termination of parental rights case under s. 48.43 or  
8 a parental consent to abortion case under s. 48.375 (7); or a person seeking  
9 postdisposition relief in a s. ~~971.17~~ 971.85 proceeding or in a case under ch. 51, 55,  
10 938, or 980 shall comply with this section. Counsel representing the person at  
11 sentencing or at the time of the final adjudication shall continue representation by  
12 filing a notice under par. (b) if the person desires to pursue postconviction or  
13 postdisposition relief unless counsel is discharged by the person or allowed to  
14 withdraw by the circuit court before the notice must be filed.

15           **SECTION 185.** 809.30 (2) (d) of the statutes is amended to read:

16           809.30 (2) (d) *Indigency redetermination.* Except as provided in this  
17 paragraph, whenever a person whose trial counsel is appointed by the state public  
18 defender files a notice under par. (b) requesting public defender representation for  
19 purposes of postconviction or postdisposition relief, the prosecutor may, within 5  
20 days after the notice is served and filed, file in the circuit court and serve upon the  
21 state public defender a request that the person’s indigency be redetermined before  
22 counsel is appointed or transcripts are requested. This paragraph does not apply to  
23 a child who is entitled to be represented by counsel under s. 48.23 or 938.23 or to a  
24 person who is entitled to be represented by counsel under s. ~~48.23~~, 51.60 (1), or  
25 55.105, or ~~938.23~~.

1           **SECTION 186.** 809.30 (2) (m) of the statutes is created to read:

2           809.30 (2) (m) *Entry after filing notice.* If the record discloses that the judgment  
3 or order appealed from was entered after the notice under this section was filed, the  
4 notice shall be treated as filed after that entry on the day of the entry.

5           **SECTION 187.** 809.31 (6) of the statutes is amended to read:

6           809.31 (6) The court ordering release shall require the defendant to post a bond  
7 in accordance with s. ~~969.09~~ 974.09 (2) and may impose other terms and conditions.  
8 The defendant shall file the bond in the trial court.

9           **SECTION 188.** 814.22 (1) (intro.) of the statutes is amended to read:

10           814.22 (1) (intro.) In all proceedings, including criminal actions, if a change of  
11 venue is had (, except in cases where the change of venue is made because the action  
12 was not brought in the proper county), if the jury is selected for use in another county  
13 under s. ~~971.225~~ 971.71, or if an action, occupying a day or more, is tried outside the  
14 county wherein pending, the county in which the action was commenced shall pay  
15 to the county in which the action is tried or the jury is selected the following expenses  
16 arising out of the change of venue or jury selection:

17           **SECTION 189.** 814.69 (1) (a) of the statutes is amended to read:

18           814.69 (1) (a) For a transcript under SCR 71.04, a fee at the rate of \$1.50 per  
19 25-line page for the original and 50 cents per 25-line page for the duplicate. Except  
20 as provided in s. ~~967.06 (3)~~ 977.072, the fee shall be paid by the county treasurer upon  
21 the certificate of the clerk of court.

22           **SECTION 190.** 885.01 (2) of the statutes is amended to read:

23           885.01 (2) By an attorney of record in a criminal action, or by the attorney  
24 general or any district attorney or person acting in his or her stead, to require the

1 attendance of witnesses, ~~in behalf of the state, a witness for a deposition, or for a~~  
2 hearing or trial in any court or before any magistrate, and from any part of the state.

3 **SECTION 191.** 885.15 (2) of the statutes is amended to read:

4 885.15 (2) The immunity provided under sub. (1) is subject to the restrictions  
5 under s. ~~972.085~~ 967.18.

6 **SECTION 192.** 885.24 (2) of the statutes is amended to read:

7 885.24 (2) The immunity provided under sub. (1) is subject to the restrictions  
8 under s. ~~972.085~~ 967.18.

9 **SECTION 193.** 885.25 (2m) of the statutes is amended to read:

10 885.25 (2m) The immunity provided under sub. (2) is subject to the restrictions  
11 under s. ~~972.085~~ 967.18.

12 **SECTION 194.** 885.365 (1) of the statutes is amended to read:

13 885.365 (1) Evidence obtained as the result of the use of voice recording  
14 equipment for recording of telephone conversations, by way of interception of a  
15 communication or in any other manner, shall be totally inadmissible in the courts of  
16 this state in civil actions, except as provided in ss. ~~968.28~~ 968.315 to ~~968.37~~ 968.405.

17 **SECTION 195.** 885.64 (2) of the statutes is amended to read:

18 885.64 (2) All circuit court proceedings, with the exception of proceedings  
19 pursuant to s. ~~972.11 (2m)~~ 972.20, that are conducted by videoconference, interactive  
20 video and audio transmission, audiovisual means, live audiovisual means,  
21 closed-circuit audiovisual, or other interactive electronic communication with a  
22 video component, shall be conducted in accordance with the provisions of this  
23 subchapter.

24 **SECTION 196.** 891.39 (1) (b) of the statutes is amended to read:

1           891.39 (1) (b) In actions affecting the family, in which the question of paternity  
2 is raised, and in paternity proceedings, the court, upon being satisfied that the  
3 parties to the action are unable to adequately compensate any such guardian ad  
4 litem for the guardian ad litem's services and expenses, shall then make an order  
5 specifying the guardian ad litem's compensation and expenses, which compensation  
6 and expenses shall be paid as provided in s. ~~967.06~~ 767.407 (6). If the court orders  
7 a county to pay the compensation of the guardian ad litem, the amount ordered may  
8 not exceed the compensation paid to private attorneys under s. 977.08 (4m) (b).

9           **SECTION 197.** 891.39 (2) (b) of the statutes is amended to read:

10           891.39 (2) (b) The immunity provided under par. (a) is subject to the restrictions  
11 under s. ~~972.085~~ 967.18.

12           **SECTION 198.** 893.93 (1) (d) of the statutes is amended to read:

13           893.93 (1) (d) An action under s. ~~968.31~~ 968.345.

14           **SECTION 199.** 895.01 (1) (am) 7. of the statutes is amended to read:

15           895.01 (1) (am) 7. Causes of action for a violation of s. ~~968.31~~ 968.345 (2m) or  
16 other damage to the person.

17           **SECTION 200.** 895.34 of the statutes is amended to read:

18           **895.34 Renewal of sureties upon becoming insufficient and effects**  
19 **thereof.** If any bail bond, recognizance, undertaking or other bond or undertaking  
20 given in any civil or criminal action or proceeding, becomes at any time insufficient,  
21 the court or judge thereof, municipal judge or any magistrate before whom such  
22 action or proceeding is pending, may, upon notice, require the plaintiff or defendant  
23 to give a new bond, recognizance or undertaking. Every person becoming surety on  
24 any such new bond, recognizance or undertaking is liable from the time the original  
25 was given, the same as if he or she had been the original surety. If any person fails

1 to comply with the order made in the case the adverse party is entitled to any order,  
2 judgment, remedy or process to which he or she would have been entitled had no  
3 bond, recognizance or undertaking been given at any time. This section does not  
4 apply to a modification of a condition of release under s. 969.33 (7).

5 **SECTION 201.** 895.446 (4) of the statutes is amended to read:

6 895.446 (4) Any recovery under this section shall be reduced by the amount  
7 recovered as restitution under ss. 800.093 and 973.20 and ch. 938 for the same act  
8 or as recompense under s. ~~969.13~~ 969.42 (5) (a) for the same act.

9 **SECTION 202.** 895.45 (1) (a) of the statutes is amended to read:

10 895.45 (1) (a) “Abusive conduct” means domestic abuse, as defined under s.  
11 49.165 (1) (a), 813.12 (1) (am), or ~~968.075~~ 969.27 (1) (a), harassment, as defined under  
12 s. 813.125 (1), sexual exploitation by a therapist under s. 940.22, sexual assault  
13 under s. 940.225, child abuse, as defined under s. 813.122 (1) (a), or child abuse under  
14 ss. 948.02 to 948.11.

15 **SECTION 203.** 895.46 (9) (a) (intro.) and 2. and (b) (intro.) and 2. of the statutes  
16 are amended to read:

17 895.46 (9) (a) (intro.) The state shall reimburse a state officer or state employee  
18 for reasonable attorney fees and costs incurred by the officer or employee in  
19 connection with a John Doe proceeding under s. ~~968.26~~ 968.105 (2) arising from the  
20 officer’s or employee’s conduct in the performance of official duties if all the following  
21 apply:

22 2. The officer or employee is not convicted of a crime arising from the conduct  
23 that is the subject of any criminal complaint issued under s. ~~968.26~~ 968.105 (2) (d).

24 (b) (intro.) The state shall reimburse a state officer or state employee for  
25 reasonable attorney fees and costs incurred by the officer or employee in defending

1 a criminal complaint issued under s. ~~968.26~~ 968.105 (2) (d) arising from the officer's  
2 or employee's conduct in the performance of official duties if all of the following apply:

3 2. The officer or employee is not convicted of a crime arising from the conduct  
4 that is the subject of the criminal complaint issued under s. ~~968.26~~ 968.105 (2) (d).

5 **SECTION 204.** 895.54 of the statutes is amended to read:

6 **895.54 Liability exemption; notification of release.** A person is immune  
7 from any liability regarding any act or omission regarding the notification of any  
8 applicable office or person under s. 51.37 (10), 304.06 (1), ~~971.17~~ 971.85 (4m) or (6m),  
9 or 980.11. This section does not apply to willful or wanton acts or omissions.

10 **SECTION 205.** 901.01 of the statutes is amended to read:

11 **901.01 Scope.** Chapters 901 to 911 govern proceedings in the courts of the  
12 state of Wisconsin except as provided in ss. 911.01 and ~~972.11~~ 967.24.

13 **SECTION 206.** 901.04 (1) of the statutes is amended to read:

14 **901.04 (1) QUESTIONS OF ADMISSIBILITY GENERALLY.** Preliminary questions  
15 concerning the qualification of a person to be a witness, the existence of a privilege,  
16 or the admissibility of evidence shall be determined by the judge, subject to sub. (2)  
17 and ss. ~~971.31 (11) and 972.11 (2)~~ 346.63 (8), 904.045, 940.22 (6), and 971.65 (6). In  
18 making the determination the judge is bound by the rules of evidence only with  
19 respect to privileges and as provided in s. 901.05.

20 **SECTION 207.** 901.04 (3) (cm) of the statutes is amended to read:

21 901.04 (3) (cm) Admissibility of evidence specified in s. ~~972.11 (2) (d)~~ 904.045  
22 (4).

23 **SECTION 208.** 901.05 (3) of the statutes is amended to read:

24 901.05 (3) The results of a test or tests under s. ~~938.296 (4) or (5) or 968.38~~  
25 968.725 (4) or (5) and the fact that a person has been ordered to submit to such a test

1 or tests under s. 938.296 (4) or (5) or ~~968.38~~ 968.725 (4) or (5) are not admissible  
2 during the course of a civil or criminal action or proceeding or an administrative  
3 proceeding.

4 **SECTION 209.** 904.04 (1) (b) of the statutes is amended to read:

5 904.04 (1) (b) *Character of victim.* Except as provided in s. ~~972.11 (2)~~ 904.045,  
6 evidence of a pertinent trait of character of the victim of the crime offered by an  
7 accused, or by the prosecution to rebut the same, or evidence of a character trait of  
8 peacefulness of the victim offered by the prosecution in a homicide case to rebut  
9 evidence that the victim was the first aggressor;

10 **SECTION 210.** 904.04 (2) (b) 1. of the statutes is amended to read:

11 904.04 (2) (b) 1. In a criminal proceeding alleging a violation of s. 940.302 (2)  
12 or of ch. 948, alleging the commission of a serious sex offense, as defined in s. 939.615  
13 (1) (b), or of domestic abuse, as defined in s. ~~968.075~~ 969.27 (1) (a), or alleging an  
14 offense that, following a conviction, is subject to the surcharge in s. 973.055, evidence  
15 of any similar acts by the accused is admissible, and is admissible without regard to  
16 whether the victim of the crime that is the subject of the proceeding is the same as  
17 the victim of the similar act.

18 **SECTION 211.** 904.045 (title) of the statutes is created to read:

19 **904.045 (title) Evidence of sexual conduct.**

20 **SECTION 212.** 904.06 (1) of the statutes is amended to read:

21 904.06 (1) **ADMISSIBILITY.** Except as provided in s. ~~972.11 (2)~~ 904.045, evidence  
22 of the habit of a person or of the routine practice of an organization, whether  
23 corroborated or not and regardless of the presence of eyewitnesses, is relevant to  
24 prove that the conduct of the person or organization on a particular occasion was in  
25 conformity with the habit or routine practice.

1           **SECTION 213.** 906.08 (1) (intro.) of the statutes is amended to read:

2           906.08 (1) OPINION AND REPUTATION EVIDENCE OF CHARACTER. (intro.) Except as  
3 provided in s. ~~972.11 (2)~~ 904.045, the credibility of a witness may be attacked or  
4 supported by evidence in the form of reputation or opinion, but subject to the  
5 following limitations:

6           **SECTION 214.** 906.08 (2) of the statutes is amended to read:

7           906.08 (2) SPECIFIC INSTANCES OF CONDUCT. Specific instances of the conduct of  
8 a witness, for the purpose of attacking or supporting the witness's credibility, other  
9 than a conviction of a crime or an adjudication of delinquency as provided in s.  
10 906.09, may not be proved by extrinsic evidence. They may, however, subject to s.  
11 ~~972.11 (2)~~ 904.045, if probative of truthfulness or untruthfulness and not remote in  
12 time, be inquired into on cross-examination of the witness or on cross-examination  
13 of a witness who testifies to his or her character for truthfulness or untruthfulness.

14           **SECTION 215.** 907.06 (5) of the statutes is amended to read:

15           907.06 (5) APPOINTMENT IN CRIMINAL CASES. This section shall not apply to the  
16 appointment of experts as provided by s. ~~971.16~~ 971.83.

17           **SECTION 216.** 908.08 (5) (am) of the statutes is amended to read:

18           908.08 (5) (am) The testimony of a child under par. (a) may be taken in  
19 accordance with s. ~~972.11 (2m)~~ 972.20, if applicable.

20           **SECTION 217.** 908.08 (5) (b) of the statutes is amended to read:

21           908.08 (5) (b) If a recorded statement under this section is shown at a  
22 preliminary examination under s. ~~970.03~~ 971.042 or 971.75 (2) and the party who  
23 offers the statement does not call the child to testify, the court may not order under  
24 par. (a) that the child be produced for cross-examination at the preliminary  
25 examination.

1           **SECTION 218.** 908.08 (6) of the statutes is amended to read:

2           908.08 (6) Recorded oral statements of children under this section in the  
3 possession, custody, or control of the state are discoverable under ss. 48.293 (3),  
4 304.06 (3d), ~~971.23~~ 971.43 (1) (e), and 973.10 (2g).

5           **SECTION 219.** 911.01 (1) of the statutes is amended to read:

6           911.01 (1) COURTS AND COURT COMMISSIONERS. Chapters 901 to 911 apply to the  
7 courts of the state of Wisconsin, including municipal courts and circuit,  
8 supplemental, and municipal court commissioners, in the proceedings and to the  
9 extent hereinafter set forth except as provided in s. ~~972.11~~ 967.24. The word “judge”  
10 in chs. 901 to 911 means judge of a court of record, municipal judge, or circuit,  
11 supplemental, or municipal court commissioner.

12           **SECTION 220.** 911.01 (4) (b) of the statutes is amended to read:

13           911.01 (4) (b) *Grand jury; John Doe proceedings.* Proceedings before grand  
14 juries or a John Doe proceeding under s. ~~968.26~~ 968.105.

15           **SECTION 221.** 911.01 (4) (c) of the statutes is amended to read:

16           911.01 (4) (c) *Miscellaneous proceedings.* Proceedings for extradition or  
17 rendition; sentencing, granting or revoking probation, modification of a bifurcated  
18 sentence under s. 302.113 (9g), or adjustment of a bifurcated sentence under s.  
19 973.195 (1r) or 973.198; issuance of subpoenas or warrants under s. 968.375, arrest  
20 warrants, criminal summonses, and search warrants; hearings under s. 980.09 (2);  
21 proceedings under s. ~~971.14~~ 971.81 (1r) (c); proceedings with respect to pretrial  
22 release under ch. 969 except where habeas corpus is utilized with respect to release  
23 on ~~bail or conditions~~ as otherwise provided in ch. 969; proceedings with respect to  
24 release on bond under s. 974.09 pending appeal; or proceedings under s. 165.76 (6)  
25 to compel provision of a biological specimen for deoxyribonucleic acid analysis.

1           **SECTION 222.** 938.18 (10) of the statutes is created to read:

2           938.18 (10) DISPOSITION OPTIONS; CERTAIN JUVENILES YOUNGER THAN 15. If a court  
3 of criminal jurisdiction has jurisdiction over a juvenile for a violation as a result of  
4 a waiver under sub. (1) (a) or (b) and the juvenile is alleged to have committed the  
5 violation before he or she has attained the age of 15, the court shall proceed as  
6 follows:

7           (a) If the juvenile is convicted of an offense for which jurisdiction over the  
8 juvenile could not have been waived under sub. (1) (a) or (b), the court shall adjudge  
9 the juvenile to be delinquent and impose a disposition specified in s. 938.34.

10           (b) If the juvenile is convicted of an offense other than the offense charged and  
11 the offense for which the juvenile is convicted is an offense for which jurisdiction over  
12 the juvenile may be waived under sub. (1) (a) or (b) and the court, after considering  
13 the criteria specified in sub. (5), determines that the juvenile has proved by clear and  
14 convincing evidence that it would be in the best interests of the juvenile and of the  
15 public to adjudge the juvenile to be delinquent, the court may impose a disposition  
16 specified in s. 938.34.

17           **SECTION 223.** 938.183 (1) (ar) of the statutes is amended to read:

18           938.183 (1) (ar) A juvenile specified in par. (a) or (am) who is alleged to have  
19 attempted or committed a violation of any state criminal law in addition to the  
20 violation alleged under par. (a) or (am) if the violation alleged under this paragraph  
21 and the violation alleged under par. (a) or (am) may be joined under s. ~~971.12~~ (1)  
22 970.13.

23           **SECTION 224.** 938.183 (1m) (b) of the statutes is amended to read:

24           938.183 (1m) (b) If a court of criminal jurisdiction transfers jurisdiction under  
25 s. ~~970.032~~ 971.75 (5) or ~~971.31~~ (13) 971.77 to a court assigned to exercise jurisdiction

1 under this chapter and ch. 48, the juvenile is subject to the procedures and  
2 dispositions specified in ~~subch.~~ subchs. IV to VI.

3 **SECTION 225.** 938.195 (1) (a) of the statutes is amended to read:

4 938.195 (1) (a) “Custodial interrogation” has the meaning given in s. ~~968.073~~  
5 969.165 (1) (a).

6 **SECTION 226.** 938.21 (2) (f) of the statutes is created to read:

7 938.21 (2) (f) At a hearing under this section, the representative of the public  
8 designated under s. 938.09 shall disclose, if in his or her possession, law enforcement  
9 investigative reports relating to the case.

10 **SECTION 227.** 938.293 (2) of the statutes is amended to read:

11 938.293 (2) RECORDS RELATING TO JUVENILE. All records relating to a juvenile  
12 which are relevant to the subject matter of a proceeding under this chapter shall be  
13 open to inspection by a guardian ad litem or counsel for any party, upon demand and  
14 upon presentation of releases where necessary, at least 48 hours before the  
15 proceeding. Persons entitled to inspect the records may obtain copies of the records  
16 with the permission of the custodian of the records or with the permission of the  
17 court. The court may instruct counsel not to disclose specified items in the materials  
18 to the juvenile or the parent if the court reasonably believes that the disclosure would  
19 be harmful to the interests of the juvenile. Section ~~971.23~~ 971.43 shall be applicable  
20 in all delinquency proceedings under this chapter, except that the court shall  
21 establish the timetable for the disclosures required under s. ~~971.23~~ 971.43 (1), (2m),  
22 (8), and (9).

23 **SECTION 228.** 938.30 (2) of the statutes is amended to read:

24 938.30 (2) INFORMATION TO JUVENILE AND PARENTS; BASIC RIGHTS; SUBSTITUTION.

25 At or before the commencement of the hearing under this section the juvenile and

1 the parent, guardian, legal custodian, or Indian custodian shall be advised of their  
2 rights as specified in s. 938.243 and shall be informed that the hearing shall be to the  
3 court and that a request for a substitution of judge under s. 938.29 must be made  
4 before the end of the plea hearing or is waived. At the hearing, the district attorney  
5 shall disclose, if in his or her possession, law enforcement investigative reports  
6 relating to the case. Nonpetitioning parties, including the juvenile, shall be granted  
7 a continuance of the plea hearing if they wish to consult with an attorney on the  
8 request for a substitution of a judge.

9 **SECTION 229.** 938.30 (3) of the statutes is amended to read:

10 938.30 (3) JUVENILE IN NEED OF PROTECTION OR SERVICES PROCEEDING; POSSIBLE  
11 PLEAS. If a petition alleges that a juvenile is in need of protection or services under  
12 s. 938.13 (4), (6), (6m), (7) or (14), the nonpetitioning parties and the juvenile, if he  
13 or she is ~~12~~ 10 years of age or older ~~or~~ and is otherwise competent to do so, shall state  
14 whether they desire to contest the petition.

15 **SECTION 230.** 938.30 (5) (c) (intro.) of the statutes is amended to read:

16 938.30 (5) (c) (intro.) If the court finds that the juvenile was not responsible by  
17 reason of mental disease or defect, as described under s. ~~971.15~~ 971.82 (1) and (2),  
18 the court shall dismiss the petition with prejudice and do one of the following:

19 **SECTION 231.** 938.30 (5) (d) (intro.) of the statutes is amended to read:

20 938.30 (5) (d) (intro.) If the court finds that the juvenile is not competent to  
21 proceed, as described in s. ~~971.13~~ 971.80 (1) and (2), the court shall suspend  
22 proceedings on the petition and do one of the following:

23 **SECTION 232.** 938.30 (5) (e) 1. (intro.) of the statutes is amended to read:

24 938.30 (5) (e) 1. (intro.) A juvenile who is not competent to proceed, as described  
25 in s. ~~971.13~~ 971.80 (1) and (2), but who is likely to become competent to proceed

1 within 12 months or within the time period of the maximum sentence that may be  
2 imposed on an adult for the most serious delinquent act with which the juvenile is  
3 charged, whichever is less, and who is committed under s. 51.20 following an order  
4 under par. (d) 1. or who is placed under a dispositional order following an order under  
5 par. (d) 2., shall be periodically reexamined with written reports of those  
6 reexaminations to be submitted to the court every 3 months and within 30 days  
7 before the expiration of the juvenile's commitment or dispositional order. Each  
8 report shall indicate one of the following:

9 **SECTION 233.** 938.31 (2) of the statutes is amended to read:

10 938.31 (2) HEARING TO THE COURT; PROCEDURES. The hearing shall be to the court.  
11 If the hearing involves a child victim, as defined in s. 938.02 (20m) (a) 1., or a child  
12 witness, as defined in s. 950.02 (5), the court may order that a deposition be taken  
13 by audiovisual means and allow the use of a recorded deposition under s. ~~967.04 (7)~~  
14 ~~to (10) and, with the district attorney, shall comply with s. 971.105~~ 967.22. At the  
15 conclusion of the hearing, the court shall make a determination of the facts. If the  
16 court finds that the juvenile is not within the jurisdiction of the court or the court  
17 finds that the facts alleged in the petition or citation have not been proved, the court  
18 shall dismiss the petition or citation with prejudice.

19 **SECTION 234.** 938.31 (3) (a) 4. of the statutes is amended to read:

20 938.31 (3) (a) 4. "Statement" has the meaning given in s. ~~972.115~~ 972.18 (1) (d).

21 **SECTION 235.** 938.31 (3) (d) of the statutes is amended to read:

22 938.31 (3) (d) Notwithstanding ss. ~~968.28~~ 968.315 to ~~968.37~~ 968.405, a  
23 juvenile's lack of consent to having an audio or audio and visual recording made of  
24 a custodial interrogation does not affect the admissibility in evidence of an audio or

1 audio and visual recording of a statement made by the juvenile during the  
2 interrogation.

3 **SECTION 236.** 938.315 (2) of the statutes is amended to read:

4 938.315 (2) CONTINUANCE FOR GOOD CAUSE. A continuance may be granted by  
5 the court only upon a showing of good cause in open court or during a telephone  
6 conference under s. 807.13 on the record and only for so long as is necessary, taking  
7 into account the request or consent of the representative of the public under s. 938.09  
8 or the parties, the interests of the victims, and the interest of the public in the prompt  
9 disposition of cases. In ruling on any motion or other request for a continuance or  
10 delay of the proceedings, the court shall also consider and give weight to any adverse  
11 impact the delay or continuance may have on the well-being of a victim or a witness,  
12 as defined in s. 950.02 (5), if the victim or witness is a child. In addition, if a victim  
13 or a witness is a child, the court and the representative of the public under s. 938.09  
14 shall take appropriate action to ensure speedy proceedings in order to minimize the  
15 time during which the child must endure the stress of his or her involvement in the  
16 proceedings.

17 **SECTION 237.** 938.35 (1) (cm) of the statutes is amended to read:

18 938.35 (1) (cm) In a court of civil or criminal jurisdiction for purposes of setting  
19 bail under s. 974.09 or ch. 969 or impeaching a witness under s. 906.09.

20 **SECTION 238.** 938.396 (1) (a) of the statutes is amended to read:

21 938.396 (1) (a) *Confidentiality.* Law enforcement agency records of juveniles  
22 shall be kept separate from records of adults. Law enforcement agency records of  
23 juveniles may not be open to inspection or their contents disclosed except under par.  
24 (b) or (c), sub. (1j), (2m) (c) 1p., or (10), or s. 938.21 (2) (f), 938.293, or 938.30 (2) or  
25 by order of the court.

1           **SECTION 239.** 938.396 (2g) (dr) of the statutes is amended to read:

2           938.396 **(2g)** (dr) *Presentence investigation.* Upon request of the department  
3 of corrections or any other person preparing a presentence investigation under s.  
4 ~~972.15~~ 973.004 to review court records for the purpose of preparing the presentence  
5 investigation, the court shall open for inspection by any authorized representative  
6 of the requester the records of the court relating to any juvenile who has been the  
7 subject of a proceeding under this chapter.

8           **SECTION 240.** 938.535 of the statutes, as affected by 2015 Wisconsin Act 55, is  
9 amended to read:

10           **938.535 Early release and intensive supervision program; limits.** The  
11 department of corrections may establish a program for the early release and  
12 intensive supervision of juveniles who have been placed in a juvenile correctional  
13 facility or a secured residential care center for children and youth under s. 938.183  
14 or 938.34 (4m). The program may not include any juveniles who have been placed  
15 in a juvenile correctional facility or a secured residential care center for children and  
16 youth as a result of a delinquent act involving the commission of a violent crime as  
17 defined in s. ~~969.035~~ 969.43, but not including the crime specified in s. 948.02 (1).

18           **SECTION 241.** 938.78 (2) (d) 1. of the statutes is amended to read:

19           938.78 **(2)** (d) 1. The subject of a presentence investigation under s. ~~972.15~~  
20 973.004.

21           **SECTION 242.** 939.60 of the statutes is amended to read:

22           **939.60 Felony and misdemeanor defined.** ~~A crime punishable by~~  
23 ~~imprisonment in the Wisconsin state prisons is a felony~~ “Felony” has the meaning  
24 given in s. 967.025 (11). Every other crime is a misdemeanor.

25           **SECTION 243.** 939.615 (2) (a) of the statutes is amended to read:

1           939.615 (2) (a) Except as provided in par. (b), if a person is convicted of a serious  
2 sex offense or found not guilty of a serious sex offense by reason of mental disease  
3 or defect, the court may, in addition to sentencing the person, placing the person on  
4 probation or, if applicable, committing the person under s. ~~971.17~~ 971.85, place the  
5 person on lifetime supervision by the department if notice concerning lifetime  
6 supervision was given to the person under s. 973.125 and if the court determines that  
7 lifetime supervision of the person is necessary to protect the public.

8           **SECTION 244.** 939.615 (3) (d) of the statutes is amended to read:

9           939.615 (3) (d) If the person has been committed to the department of health  
10 services under s. ~~971.17~~ 971.85 for the serious sex offense, upon the termination of  
11 his or her commitment under s. ~~971.17~~ 971.85 (5) or his or her discharge from the  
12 commitment under s. ~~971.17~~ 971.85 (6), whichever is applicable.

13           **SECTION 245.** 939.621 (1) (a) of the statutes is amended to read:

14           939.621 (1) (a) A person who commits, during the 72 hours immediately  
15 following an arrest for a domestic abuse incident as set forth in s. ~~968.075~~ 969.27 (5),  
16 an act of domestic abuse, as defined in s. ~~968.075~~ 969.27 (1) (a) that constitutes the  
17 commission of a crime. For the purpose of the definition under this paragraph, the  
18 72-hour period applies whether or not there has been a waiver by the victim under  
19 s. ~~968.075~~ 969.27 (5) (c).

20           **SECTION 246.** 939.621 (2) of the statutes is amended to read:

21           939.621 (2) If a person commits an act of domestic abuse, as defined in s.  
22 ~~968.075~~ 969.27 (1) (a) and the act constitutes the commission of a crime, the  
23 maximum term of imprisonment for that crime may be increased by not more than  
24 2 years if the person is a domestic abuse repeater. The victim of the domestic abuse  
25 crime does not have to be the same as the victim of the domestic abuse incident that

1 resulted in the prior arrest or conviction. The penalty increase under this section  
2 changes the status of a misdemeanor to a felony.

3 **SECTION 247.** 939.74 (1) of the statutes is amended to read:

4 939.74 (1) Except as provided in subs. (2) and (2d) and s. 946.88 (1), prosecution  
5 for a felony must be commenced within 6 years and prosecution for a misdemeanor  
6 or for adultery within 3 years after the commission thereof. Within the meaning of  
7 this section, a prosecution has commenced when ~~a warrant or summons is issued,~~  
8 an indictment is found, ~~or an information~~ a complaint is filed.

9 **SECTION 248.** 939.74 (3) of the statutes is amended to read:

10 939.74 (3) In computing the time limited by this section, the time during which  
11 the actor was not publicly a resident within this state or during which a prosecution  
12 against the actor for the same act was pending shall not be included. A prosecution  
13 is pending when ~~a warrant or a summons has been issued,~~ an indictment has been  
14 found, ~~or an information~~ a complaint has been filed.

15 **SECTION 249.** 939.74 (4) of the statutes is amended to read:

16 939.74 (4) In computing the time limited by this section, the time during which  
17 an alleged victim under s. 940.22 (2) is unable to seek the ~~issuance~~ filing of a  
18 complaint under s. ~~968.02~~ 970.08 due to the effects of the sexual contact or due to any  
19 threats, instructions or statements from the therapist shall not be included.

20 **SECTION 250.** 940.09 (1m) (a) of the statutes is amended to read:

21 940.09 (1m) (a) A person may be charged with and a prosecutor may proceed  
22 upon an information based upon a violation of any combination of sub. (1) (a), (am),  
23 or (b); any combination of sub. (1) (a), (am), or (bm); any combination of sub. (1) (c),  
24 (cm), or (d); any combination of sub. (1) (c), (cm), or (e); any combination of sub. (1g)

1 (a), (am), or (b) ~~or~~; or any combination of sub. (1g) (c), (cm), or (d) for acts arising out  
2 of the same incident or occurrence.

3 **SECTION 251.** 940.09 (1m) (b) of the statutes is amended to read:

4 940.09 **(1m)** (b) If a person is charged in an information with any of the  
5 combinations of crimes referred to in par. (a), the crimes shall be joined under s.  
6 ~~971.12~~ 970.13. If the person is found guilty of more than one of the crimes so charged  
7 for acts arising out of the same incident or occurrence, there shall be a single  
8 conviction for purposes of sentencing and for purposes of counting convictions under  
9 s. 23.33 (13) (b) 2. and 3., under s. 30.80 (6) (a) 2. and 3., under s. 343.307 (1) or under  
10 s. 350.11 (3) (a) 2. and 3. Subsection (1) (a), (am), (b), **(bm)**, (c), (cm), (d), and (e) each  
11 require proof of a fact for conviction which the others do not require, and sub. (1g)  
12 (a), (am), (b), (c), (cm), and (d) each require proof of a fact for conviction which the  
13 others do not require.

14 **SECTION 252.** 940.225 (4) (intro.) of the statutes is amended to read:

15 940.225 **(4)** CONSENT. (intro.) “Consent”, as used in this section, means words  
16 or overt actions by a person who is competent to give informed consent indicating a  
17 freely given agreement to have sexual intercourse or sexual contact. Consent is not  
18 an issue in alleged violations of sub. (2) (c), (cm), (d), (g), (h), and (i). The following  
19 persons are presumed incapable of consent but the presumption may be rebutted by  
20 competent evidence, subject to the provisions of s. ~~972.11 (2)~~ 904.045:

21 **SECTION 253.** 940.25 (1m) (b) of the statutes is amended to read:

22 940.25 **(1m)** (b) If a person is charged in an information with any of the  
23 combinations of crimes referred to in par. (a), the crimes shall be joined under s.  
24 ~~971.12~~ 970.13. If the person is found guilty of more than one of the crimes so charged  
25 for acts arising out of the same incident or occurrence, there shall be a single

1 conviction for purposes of sentencing and for purposes of counting convictions under  
2 s. 23.33 (13) (b) 2. and 3., under s. 30.80 (6) (a) 2. or 3., under ss. 343.30 (1q) and  
3 343.305 or under s. 350.11 (3) (a) 2. and 3. Subsection (1) (a), (am), (b), (bm), (c), (cm),  
4 (d), and (e) each require proof of a fact for conviction which the others do not require.

5 **SECTION 254.** 940.32 (2m) (d) of the statutes is amended to read:

6 940.32 (2m) (d) The person violates s. ~~968.31~~ 968.345 (1) or ~~968.34~~ 968.376 (1)  
7 in order to facilitate the violation.

8 **SECTION 255.** 940.48 (intro.) of the statutes is amended to read:

9 **940.48 Violation of court orders.** (intro.) Whoever violates an order issued  
10 under s. 940.47 or violates any condition of a bond required under s. 969.33 (4) (d)  
11 may be punished as follows:

12 **SECTION 256.** 940.49 of the statutes is repealed.

13 **SECTION 257.** 941.28 (5) of the statutes is amended to read:

14 941.28 (5) Any firearm seized under this section is subject to s. ~~968.20 (3)~~  
15 175.27 (1) and is presumed to be contraband.

16 **SECTION 258.** 941.29 (3) of the statutes, as affected by 2015 Wisconsin Act 109,  
17 is amended to read:

18 941.29 (3) Any firearm involved in an offense under this section is subject to  
19 s. ~~968.20 (3)~~ 175.27 (1).

20 **SECTION 259.** 943.245 (3m) of the statutes is amended to read:

21 943.245 (3m) Any recovery under this section shall be reduced by the amount  
22 recovered as restitution for the same act under ss. 800.093 and 973.20 or as  
23 recompense under s. ~~969.13~~ 969.42 (5) (a) for the same act and by any amount  
24 collected in connection with the act and paid to the plaintiff under a deferred  
25 prosecution agreement under s. 971.41.

1           **SECTION 260.** 943.51 (3r) of the statutes is amended to read:

2           943.51 (3r) Any recovery under this section shall be reduced by the amount  
3 recovered as restitution for the same act under ss. 800.093 and 973.20 or as  
4 recompense under s. ~~969.13~~ 969.42 (5) (a) for the same act.

5           **SECTION 261.** 946.49 (1) (intro.) of the statutes is amended to read:

6           946.49 (1) (intro.) Whoever, having been released from custody under s. 974.09  
7 or ch. 969, intentionally fails to comply with the terms of his or her bond is:

8           **SECTION 262.** 946.49 (2) of the statutes is amended to read:

9           946.49 (2) A witness for whom ~~bail has been required~~ conditions of release have  
10 been set under s. ~~969.01 (3)~~ 969.52 is guilty of a Class I felony for failure to appear  
11 as provided.

12           **SECTION 263.** 946.52 of the statutes, as affected by 2013 Wisconsin Act 20,  
13 section 1922, is amended to read:

14           **946.52 Failure to submit biological specimen.** Whoever intentionally fails  
15 to comply with a requirement to submit a biological specimen under s. 165.76, 165.84  
16 (7), 938.21 (1m), 938.30 (2m), 938.34 (15), ~~970.02 (8)~~ 971.028 (7), 973.047, or 980.063  
17 is guilty of a Class A misdemeanor.

18           **SECTION 264.** 946.60 (1) of the statutes is amended to read:

19           946.60 (1) Whoever intentionally destroys, alters, mutilates, conceals,  
20 removes, withholds, or transfers possession of a document or other object, knowing  
21 that a subpoena has been issued for the document has been subpoenaed or other  
22 object by a court ~~or~~, by or at the request of a district attorney or the attorney general,  
23 or by an attorney of record in a criminal case or a case under ch. 938 or 980, is guilty  
24 of a Class I felony.

25           **SECTION 265.** 946.86 (2) of the statutes is amended to read:

1           946.86 (2) Any criminal complaint alleging violation of s. 946.83 or 946.85 shall  
2           allege the extent of property subject to forfeiture under this section. At trial, the trier  
3           of fact shall return a special verdict determining the extent of property, if any, to be  
4           subject to forfeiture under this section. When a special verdict contains a finding of  
5           property subject to a forfeiture under this section, a judgment of criminal forfeiture  
6           shall be entered along with the judgment of conviction under s. ~~972.13~~ 972.28.

7           **SECTION 266.** 946.87 (2) (am) of the statutes is amended to read:

8           946.87 (2) (am) Notwithstanding par. (a), property described in par. (a) is  
9           subject to forfeiture if the person who violated s. 946.83 or 946.85 has not been  
10          convicted, but he or she is a defendant in a criminal proceeding, is released, pending  
11          trial, on ~~bail, as defined in s. 969.001~~ conditions under ch. 969, and fails to appear  
12          in court regarding the criminal proceeding. However, before making the final  
13          determination of any action under this section, the court must determine that the  
14          party bringing the action can prove the person committed the violation of s. 946.83  
15          or 946.85.

16          **SECTION 267.** 948.015 (9) of the statutes is amended to read:

17          948.015 (9) A crime that involves an act of domestic abuse, as defined in s.  
18          ~~968.075~~ 969.27 (1) (a), if the court includes in its reasoning under s. 973.017 (10m)  
19          for its sentencing decision the aggravating factor under s. 973.017 (6m).

20          **SECTION 268.** 948.31 (5) of the statutes is amended to read:

21          948.31 (5) The venue of an action under this section is prescribed in s. ~~971.19~~  
22          970.14 (8).

23          **SECTION 269.** 948.50 (5) of the statutes is amended to read:

24          948.50 (5) This section does not apply to any law enforcement officer  
25          conducting a strip search under s. ~~968.255~~ 968.585.

1           **SECTION 270.** 949.165 (1) (a) of the statutes is amended to read:

2           949.165 (1) (a) “Serious crime” has the meaning designated in s. ~~969.08~~ (10)  
3           969.51 (7) (b) and includes solicitation, conspiracy or attempt to commit a serious  
4           crime.

5           **SECTION 271.** 949.165 (9) of the statutes is amended to read:

6           949.165 (9) INTERPLEADER. If a court determines that a person accused of a  
7           serious crime is incompetent to proceed under s. ~~971.14~~ 971.81 or if the charges are  
8           dismissed without prejudice, the department shall bring an action of interpleader to  
9           determine the disposition of the escrow account.

10          **SECTION 272.** 950.04 (1v) (d) of the statutes is amended to read:

11          950.04 (1v) (d) To request an order for, and to be given the results of, testing  
12          to determine the presence of a communicable disease, as provided under ss. s.  
13          938.296 or ~~968.38~~ 968.725.

14          **SECTION 273.** 950.04 (1v) (dL) of the statutes is amended to read:

15          950.04 (1v) (dL) To not be the subject of a law enforcement officer’s or district  
16          attorney’s order, request, or suggestion that he or she submit to a test using a lie  
17          detector, as defined in s. 111.37 (1) (b), if he or she claims to have been the victim of  
18          a sexual assault under s. 940.22 (2), 940.225, 948.02 (1) or (2), or 948.085, except as  
19          permitted under s. ~~968.265~~ 968.595.

20          **SECTION 274.** 950.04 (1v) (do) of the statutes is amended to read:

21          950.04 (1v) (do) To be informed about the process by which he or she may file  
22          a complaint under s. ~~968.02~~ or ~~968.26~~ 968.105 (2) and about the process of an inquest  
23          under s. ~~979.05~~ 968.025 if he or she is the victim of an officer-involved death, as  
24          defined in s. 175.47 (1) (c).

25          **SECTION 275.** 950.04 (1v) (e) of the statutes is amended to read:

1           950.04 (1v) (e) To be provided a waiting area under ss. 938.2965 and ~~967.10~~  
2           967.23.

3           **SECTION 276.** 950.04 (1v) (em) of the statutes is amended to read:

4           950.04 (1v) (em) To have his or her interests considered by the court in  
5           determining whether to exclude persons from a preliminary examination, as  
6           provided under s. 971.042 (4), or a probable cause or retention hearing concerning  
7           a juvenile, as provided under s. ~~970.03 (4)~~ 971.75.

8           **SECTION 277.** 950.04 (1v) (er) of the statutes is amended to read:

9           950.04 (1v) (er) To not be compelled to submit to a pretrial interview or  
10          deposition by a defendant or his or her attorney as provided under s. ~~971.23~~ 971.43  
11          (6c).

12          **SECTION 278.** 950.04 (1v) (g) of the statutes is amended to read:

13          950.04 (1v) (g) To have reasonable attempts made to notify the victim of  
14          hearings or court proceedings, as provided under ss. 302.113 (9g) (g) 2., 302.114 (6),  
15          938.27 (4m) and (6), 938.273 (2), 971.095 (3), and ~~972.14~~ 973.003 (3) (b).

16          **SECTION 279.** 950.04 (1v) (L) of the statutes is amended to read:

17          950.04 (1v) (L) To have the district attorney or corporation counsel, whichever  
18          is applicable, make a reasonable attempt to contact the victim concerning the  
19          victim's right to make a statement, as provided under ss. 938.32 (1) (b) 2., 938.335  
20          (3m) (b) and ~~972.14~~ 973.003 (3) (b).

21          **SECTION 280.** 950.04 (1v) (m) of the statutes is amended to read:

22          950.04 (1v) (m) To provide statements concerning sentencing, disposition, or  
23          parole, as provided under ss. 304.06 (1) (e), 938.32 (1) (b) 1g., 938.335 (3m) (ag), and  
24          ~~972.14~~ 973.003 (3) (a).

25          **SECTION 281.** 950.04 (1v) (p) of the statutes is amended to read:

1           950.04 (1v) (p) To have the person preparing a presentence investigation under  
2 s. ~~972.15~~ 973.004 make a reasonable attempt to contact the victim, as provided in s.  
3 ~~972.15~~ 973.004 (2m), and to view the sentence recommendation and any victim  
4 information included on the presentence investigation report, as provided in s.  
5 ~~972.15~~ 973.004 (4m).

6           **SECTION 282.** 950.04 (1v) (pd) of the statutes is amended to read:

7           950.04 (1v) (pd) Subject to the limits set forth in s. ~~972.15~~ 973.004 (4r), to view  
8 portions of a presentence investigation report prepared under s. ~~972.15~~ 973.004 that  
9 relate to the crime upon the victim.

10          **SECTION 283.** 950.04 (1v) (qm) of the statutes is amended to read:

11          950.04 (1v) (qm) To recompense as provided under s. ~~969.13~~ 969.42 (5) (a).

12          **SECTION 284.** 950.04 (1v) (s) of the statutes is amended to read:

13          950.04 (1v) (s) To have any stolen or other personal property expeditiously  
14 returned by law enforcement agencies when no longer needed as evidence, subject  
15 to s. ~~968.205~~ 968.645. If feasible, all such property, except weapons, currency,  
16 contraband, property subject to evidentiary analysis, property subject to  
17 preservation under s. ~~968.205~~ 968.645, and property the ownership of which is  
18 disputed, shall be returned to the person within 10 days of being taken.

19          **SECTION 285.** 950.04 (1v) (um) of the statutes is amended to read:

20          950.04 (1v) (um) To have district attorneys make a reasonable attempt to notify  
21 the victim under s. ~~971.17~~ 971.85 (4m) regarding conditional releases under s. ~~971.17~~  
22 971.85.

23          **SECTION 286.** 950.04 (1v) (x) of the statutes is amended to read:

24          950.04 (1v) (x) To have the department of health services make a reasonable  
25 attempt to notify the victim under s. ~~971.17~~ 971.85 (6m) regarding termination or

1 discharge under s. ~~971.17~~ 971.85 and under s. 51.37 (10) regarding home visits under  
2 s. 51.37 (10).

3 **SECTION 287.** 950.04 (2w) (f) of the statutes is amended to read:

4 950.04 (2w) (f) To be provided a waiting area under ss. 938.2965 and ~~967.10~~  
5 967.23.

6 **SECTION 288.** 950.055 (2) (b) of the statutes is amended to read:

7 950.055 (2) (b) Advice to the judge, when appropriate and as a friend of the  
8 court, regarding the child's ability to understand proceedings and questions. The  
9 services may include providing assistance in determinations concerning the taking  
10 of depositions by audiovisual means under s. 908.08 or ~~967.04 (7) and (8)~~ 967.22 and  
11 the duty to expedite proceedings under ~~s. ss. 938.315 (2) and~~ 971.105.

12 **SECTION 289.** 950.08 (2g) (c) of the statutes is amended to read:

13 950.08 (2g) (c) The address and telephone number of the intake worker,  
14 corporation counsel, or district attorney whom the victim may contact to obtain  
15 information concerning the rights of victims and to request notice of court  
16 proceedings under ss. 938.27 (4m) and (6), 938.273 (2), 938.299 (1) (am) and 938.335  
17 (3m) (b) or ss. 971.095 (3) and ~~972.14~~ 973.003 (3) (b), whichever is applicable, and to  
18 request the opportunity to confer under ~~ss. s.~~ 938.245 (1m), 938.265, or 938.32 (1)  
19 (am) or s. 971.095 (2), whichever is applicable.

20 **SECTION 290.** 950.08 (2g) (e) of the statutes is amended to read:

21 950.08 (2g) (e) The address and telephone number of the custodial agency that  
22 the victim may contact for information concerning release under s. 938.20 ~~or~~, 938.21,  
23 or 974.09 or ch. 969, whichever is appropriate, of a person arrested or taken into  
24 custody for the crime of which he or she is a victim.

25 **SECTION 291.** 950.08 (2g) (h) of the statutes is amended to read:

1           950.08 (2g) (h) If the victim is a victim of an officer-involved death, as defined  
2 in s. 175.47 (1) (c), information about the process by which he or she may file a  
3 complaint under s. ~~968.02 or 968.26~~ 968.105 (2) and about the process of an inquest  
4 under s. ~~979.05~~ 968.025.

5           **SECTION 292.** 950.08 (2r) (intro.) of the statutes is amended to read:

6           950.08 (2r) INFORMATION TO BE PROVIDED BY A DISTRICT ATTORNEY IN CRIMINAL  
7 CASES. (intro.) As soon as practicable, but in no event later than 10 days after the  
8 initial appearance under s. ~~970.01~~ 971.015 or 24 hours before a preliminary  
9 examination under s. ~~970.03~~ 971.042, whichever is earlier, of a person charged with  
10 a crime in a court of criminal jurisdiction, a district attorney shall make a reasonable  
11 attempt to provide to each victim of the crime written information on all of the  
12 following:

13           **SECTION 293.** 950.08 (2w) of the statutes is amended to read:

14           950.08 (2w) INFORMATION TO BE PROVIDED BY DISTRICT ATTORNEYS TO SCHOOLS IN  
15 CRIMINAL CASES. If a criminal complaint is issued under s. ~~968.02~~ 970.08 or if a  
16 petition for waiver is granted pursuant to s. 938.18, and the district attorney  
17 reasonably believes the person charged is a pupil enrolled in a school district, a  
18 private school, or a charter school established pursuant to 118.40 (2r), the district  
19 attorney shall make a reasonable attempt to notify the school board, governing body  
20 of the private school, as defined in s. 115.001 (3d), or charter school governing body  
21 of the charges pending against the pupil. The district attorney shall also notify the  
22 school board, governing body of the private school, or charter school governing body  
23 of the final disposition of the charges.

24           **SECTION 294.** 951.01 (4) of the statutes is amended to read:

1           951.01 (4) “Law enforcement officer” has the meaning assigned under s. 967.02  
2       (5) 967.025 (13) but does not include a conservation warden appointed under s. 23.10.

3           **SECTION 295.** 961.48 (2m) (a) of the statutes is amended to read:

4           961.48 (2m) (a) Whenever a person charged with a felony offense under this  
5       chapter may be subject to a conviction for a 2nd or subsequent offense, he or she is  
6       not subject to an enhanced penalty under sub. (1) unless any applicable prior  
7       convictions are alleged in the complaint, indictment, or information or in an  
8       amended complaint, indictment, or information that is filed under par. (b) 1. A  
9       person is not subject to an enhanced penalty under sub. (1) for an offense if an  
10      allegation of applicable prior convictions is withdrawn by an amended complaint  
11      indictment, or information filed under par. (b) 2.

12          **SECTION 296.** 961.48 (2m) (b) (intro.) of the statutes is amended to read:

13          961.48 (2m) (b) (intro.) Notwithstanding s. ~~971.29~~ 970.09 (1), at any time before  
14      entry of a guilty or no contest plea or the commencement of a trial, a district attorney  
15      may file without leave of the court an amended complaint, information, or indictment  
16      that does any of the following:

17          **SECTION 297.** 967.01 of the statutes is amended to read:

18          **967.01 Title and effective date.** Chapters 967 to 979 may be referred to as  
19      the criminal procedure code and shall be interpreted as a unit. Chapters 967 to 979  
20      shall govern all criminal proceedings and is effective on July 1, 1970. ~~Chapters 967~~  
21      ~~to 979 apply in all prosecutions commenced on or after that date. Prosecutions~~  
22      ~~commenced prior to July 1, 1970, shall be governed by the law existing prior thereto.~~

23          **SECTION 298.** 967.02 (title) of the statutes is repealed.

24          **SECTION 299.** 967.02 (intro.) of the statutes is renumbered 967.025 (intro.).

1           **SECTION 300.** 967.02 (1) of the statutes is renumbered 967.025 (4) and amended  
2 to read:

3           967.025 (4) “Clerk” means the clerk of ~~circuit~~ court of the county ~~including and~~  
4 includes the clerk’s deputies.

5           **SECTION 301.** 967.02 (2) of the statutes is renumbered 967.025 (9) and amended  
6 to read:

7           967.025 (9) “Department” means the department of corrections, except as  
8 provided in ss. ~~971.14~~ 971.81 and 975.001.

9           **SECTION 302.** 967.02 (3) and (4) of the statutes are repealed.

10          **SECTION 303.** 967.02 (5) of the statutes is renumbered 967.025 (13).

11          **SECTION 304.** 967.02 (6) of the statutes is renumbered 967.025 (12) and  
12 amended to read:

13          967.025 (12) “Judge” means judge of ~~a the court of record~~ and includes a court  
14 commissioner acting within the scope of authority conferred under s. 757.69.

15          **SECTION 305.** 967.02 (7) of the statutes is renumbered 967.025 (6) and amended  
16 to read:

17          967.025 (6) “Court” means the circuit court unless otherwise indicated and  
18 includes a court commissioner acting within the scope of authority conferred under  
19 s. 757.69.

20          **SECTION 306.** 967.02 (8) of the statutes is repealed.

21          **SECTION 307.** 967.025 (title) of the statutes is created to read:

22          **967.025 (title) Definitions.**

23          **SECTION 308.** 967.025 (2) of the statutes is created to read:

24          967.025 (2) “Bond” means a promise by a person in custody to appear in court  
25 as required and to comply with other conditions.

1           **SECTION 309.** 967.025 (3) of the statutes is created to read:

2           967.025 (3) “Citation” means a directive, issued by a law enforcement officer,  
3 that a person appear in court or the district attorney’s office.

4           **SECTION 310.** 967.025 (5) of the statutes is created to read:

5           967.025 (5) “Complaint” or “criminal complaint” means the written statement  
6 of the essential facts constituting the crime charged that is issued by a district  
7 attorney. “Complaint” or “criminal complaint” includes a citation endorsed by a  
8 district attorney under s. 969.24 (5).

9           **SECTION 311.** 967.025 (7) of the statutes is created to read:

10          967.025 (7) “Crime” means conduct that is prohibited by state law and  
11 punishable by fine or imprisonment or both. Conduct punishable only by a forfeiture  
12 is not a crime.

13          **SECTION 312.** 967.025 (8) of the statutes is created to read:

14          967.025 (8) “Crime considered at sentencing” means any crime for which the  
15 defendant was convicted and any read-in crime.

16          **SECTION 313.** 967.025 (10) of the statutes is created to read:

17          967.025 (10) “District attorney” includes any duly qualified deputies and  
18 assistants and includes a special prosecutor under s. 978.045, a person assisting  
19 under s. 978.05 (8) (b), and the attorney general in cases in which he or she is  
20 authorized to investigate or prosecute.

21          **SECTION 314.** 967.025 (11) of the statutes is created to read:

22          967.025 (11) “Felony” means a crime punishable by imprisonment in the  
23 Wisconsin state prisons, but does not include a crime that is punishable by  
24 imprisonment in prison only as a result of the application of a penalty increase

1 provision that does not specifically provide that application of the penalty increase  
2 makes the crime a felony.

3 **SECTION 315.** 967.025 (14) of the statutes is created to read:

4 967.025 (14) "Misdemeanor" means a crime other than a felony.

5 **SECTION 316.** 967.025 (15) of the statutes is created to read:

6 967.025 (15) "Motion" means an application for an order.

7 **SECTION 317.** 967.025 (16) of the statutes is created to read:

8 967.025 (16) "Read-in crime" means any crime that is uncharged or that is  
9 dismissed as part of a plea agreement, that the defendant agrees to have considered  
10 by the court at the time of sentencing, and that the court considers at the time of  
11 sentencing the defendant for the crime for which the defendant was convicted.

12 **SECTION 318.** 967.025 (17) of the statutes is created to read:

13 967.025 (17) "Sentencing" means the imposition of a sentence, fine, or  
14 probation.

15 **SECTION 319.** 967.03 of the statutes is repealed.

16 **SECTION 320.** 967.04 (title), (1), (2), (3), (4), (5) and (6) of the statutes are  
17 renumbered 967.21 (title), (1), (2), (3), (4), (5) and (6), and 967.21 (title), (1) and (4)  
18 (a), as renumbered, are amended to read:

19 **967.21 (title) Depositions in criminal proceedings generally. (1)**  
20 CIRCUMSTANCE UNDER WHICH PERMITTED. If it appears that a prospective witness may  
21 be unable to attend or prevented from attending a criminal trial or hearing, that the  
22 prospective witness's testimony is material and that it is necessary to take the  
23 prospective witness's deposition in order to prevent a failure of justice, the court at  
24 any time after the filing of an indictment or information may upon motion and notice  
25 to the parties order that the prospective witness's testimony be taken by deposition

1 and that any designated books, papers, documents, or tangible objects, not  
2 privileged, be produced at the same time and place. If a witness is committed  
3 pursuant to s. ~~969.01(3)~~ 969.52, the court shall direct that the witness's deposition  
4 be taken upon notice to the parties. ~~After the deposition has been subscribed, the~~  
5 ~~court shall discharge the witness.~~

6 (4) (a) If the state or a witness procures such an order under sub. (1), the notice  
7 shall inform the defendant that the defendant is required to personally attend at the  
8 taking of the deposition and that the defendant's failure so to do is a waiver of the  
9 defendant's right to face the witness whose deposition is to be taken. Failure to  
10 attend shall constitute a waiver unless the defendant was physically unable to  
11 attend.

12 **SECTION 321.** 967.04 (7) (a) of the statutes is renumbered 967.22 (1) and  
13 amended to read:

14 **967.22 (1) CIRCUMSTANCE UNDER WHICH PERMITTED.** In any criminal prosecution  
15 or any proceeding under ch. 48 or 938, any party may move the court to order that  
16 a deposition of a child who has been or is likely to be called as a witness be taken by  
17 audiovisual means. Upon notice and hearing, the court may issue an order for such  
18 a deposition if the trial or hearing in which the child may be called will commence  
19 before one of the following:

20 (a) ~~Prior to the~~ The child's 12th birthday; ~~or,~~

21 (b) ~~Prior to the~~ The child's 16th birthday ~~and if the court finds~~ under sub. (2)  
22 that the interests of justice warrant that the child's testimony be prerecorded for use  
23 at the trial or hearing ~~under par. (b).~~

24 **SECTION 322.** 967.04 (7) (b) of the statutes is renumbered 967.22 (2), and 967.22  
25 (2) (intro.), (a), (c), (f) and (g), as renumbered, are amended to read:

1           967.22 (2) DETERMINING INTERESTS OF JUSTICE. (intro.) Among the factors which  
2 that the court may consider in determining the interests of justice are any of the  
3 following:

4           (a) The child's chronological age, level of development and capacity to  
5 comprehend the significance of the events about which the child will testify and to  
6 verbalize about them.

7           (c) Whether the events about which the child will testify constituted criminal  
8 or antisocial conduct against the child or a person with whom the child had a close  
9 emotional relationship and, if the conduct constituted a battery or a sexual assault,  
10 its duration and the extent of physical or emotional injury ~~thereby~~ caused by the  
11 battery or sexual assault.

12           (f) The child's behavior at or reaction to previous interviews concerning the  
13 events ~~involved~~ about which the child will testify.

14           (g) Whether the child blames himself or herself for the events ~~involved~~ about  
15 which the child will testify or has ever been told by any person not to disclose them;  
16 whether the child's prior reports to associates or authorities of the events have been  
17 disbelieved or not acted upon; and the child's subjective belief regarding what  
18 consequences to himself or herself, or persons with whom the child has a close  
19 emotional relationship, will ensue from providing testimony.

20           **SECTION 323.** 967.04 (8) of the statutes is renumbered 967.22 (3), and 967.22  
21 (3) (a) and (b) (intro.) and 4., as renumbered, are amended to read:

22           967.22 (3) PROCEDURES. (a) If the court orders a deposition under sub. ~~(7)~~ (1),  
23 the judge shall preside at the taking of the deposition and enforce compliance with  
24 the applicable provisions of ss. 885.44 to 885.47. Notwithstanding s. 885.44 (5),  
25 counsel may make objections and the judge shall make rulings thereon as at trial.

1 The clerk of court shall keep the certified original recording of a deposition taken  
2 under sub. (7) (1) in a secure place. No person may inspect or copy the deposition  
3 except by order of the court upon a showing that inspection or copying is required for  
4 editing under s. 885.44 (12) or for the investigation, prosecution, or defense of the  
5 action in which it was authorized or the provision of services to the child.

6 (b) (intro.) If the court orders that a deposition be taken by audiovisual means  
7 under sub. (7) (1), the court shall do all of the following:

8 4. ~~Determine that the child understands that it is wrong to tell a lie and will~~  
9 ~~testify truthfully if~~ If the child's developmental level or verbal skills are such that  
10 administration of an oath or affirmation in the usual form would be inappropriate,  
11 determine that the child understands that it is wrong to tell a lie and will testify  
12 truthfully.

13 **SECTION 324.** 967.04 (9) of the statutes is renumbered 967.22 (4) and amended  
14 to read:

15 967.22 (4) USE AT TRIAL, HEARING, OR OTHER PROCEEDING. In any criminal  
16 prosecution or juvenile fact-finding hearing under s. 48.31 or 938.31, the court may  
17 admit into evidence a recorded deposition taken under ~~subs. (7) and (8)~~ this section  
18 without an additional hearing under s. 908.08. In any proceeding under s. 302.113  
19 (9) (am), 302.114 (9) (am), 304.06 (3), or 973.10 (2), the hearing examiner may order  
20 that a deposition be taken by audiovisual means and preside at the taking of the  
21 deposition using the procedure provided in ~~subs. (7) and (8)~~ this section and may  
22 admit the recorded deposition into evidence without an additional hearing under s.  
23 908.08.

24 **SECTION 325.** 967.04 (10) of the statutes is renumbered 967.22 (5) and amended  
25 to read:

1           967.22 (5) SUBSEQUENT TESTIMONY. If a court or hearing examiner admits a  
2 recorded deposition into evidence under sub. (9) (4), the child may not be called as  
3 a witness at the proceeding in which it was admitted unless the court or hearing  
4 examiner so orders upon a showing that additional testimony by the child is required  
5 in the interest of fairness for reasons neither known nor with reasonable diligence  
6 discoverable at the time of the deposition by the party seeking to call the child. The  
7 testimony of a child who is required to testify under this subsection may be taken in  
8 accordance with s. ~~972.11 (2m)~~ 972.20, if applicable.

9           **SECTION 326.** 967.05 of the statutes is renumbered 970.06, and 970.06 (title)  
10 and (1) (intro.), (a) and (b), as renumbered, are amended to read:

11           **970.06 (title) Methods of commencing prosecution.** (1) (intro.) A  
12 prosecution may be commenced by the filing of any of the following:

13           (a) A complaint;

14           (b) In the case of a corporation or limited liability company, an information;

15           **SECTION 327.** 967.055 of the statutes is renumbered 970.25, and 970.25 (2) (a)  
16 and (b), as renumbered, are amended to read:

17           970.25 (2) (a) Notwithstanding s. ~~971.29~~ ss. 970.09 and 970.10, if the  
18 prosecutor seeks to dismiss or amend a charge under s. 346.63 (1) or (5) or a local  
19 ordinance in conformity therewith, or s. 346.63 (2) or (6) or 940.25, or s. 940.09 where  
20 the offense involved the use of a vehicle or an improper refusal under s. 343.305, the  
21 prosecutor shall apply to the court. The application shall state the reasons for the  
22 proposed amendment or dismissal. The court may approve the application only if the  
23 court finds that the proposed amendment or dismissal is consistent with the public's  
24 interest in deterring the operation of motor vehicles by persons who are under the  
25 influence of an intoxicant, a controlled substance, a controlled substance analog or

1 any combination of an intoxicant, controlled substance and controlled substance  
2 analog, under the influence of any other drug to a degree which renders him or her  
3 incapable of safely driving, or under the combined influence of an intoxicant and any  
4 other drug to a degree which renders him or her incapable of safely driving, in  
5 deterring the operation of motor vehicles by persons with a detectable amount of a  
6 restricted controlled substance in his or her blood, or in deterring the operation of  
7 commercial motor vehicles by persons with an alcohol concentration of 0.04 or more.  
8 The court may not approve an application to amend the vehicle classification from  
9 a commercial motor vehicle to a noncommercial motor vehicle unless there is  
10 evidence in the record that the motor vehicle being operated by the defendant at the  
11 time of his or her arrest was not a commercial motor vehicle.

12 (b) Notwithstanding ~~s. 971.29~~ ss. 970.09 and 970.10, if the prosecutor seeks to  
13 dismiss or amend a charge under s. 30.681 (1) or a local ordinance in conformity  
14 therewith, a charge under s. 30.681 (2), a charge under s. 30.684 (5) or a local  
15 ordinance in conformity therewith or a charge under s. 940.09 or 940.25 if the offense  
16 involved the use of a motorboat, except a sailboat operating under sail alone, the  
17 prosecutor shall apply to the court. The application shall state the reasons for the  
18 proposed amendment or dismissal. The court may approve the application only if the  
19 court finds that the proposed amendment or dismissal is consistent with the public's  
20 interest in deterring the operation of motorboats by persons who are under the  
21 influence of an intoxicant, a controlled substance, a controlled substance analog or  
22 any combination of an intoxicant, controlled substance and controlled substance  
23 analog, under the influence of any other drug to a degree which renders him or her  
24 incapable of operating a motorboat safely, or under the combined influence of an

1 intoxicant and any other drug to a degree which renders him or her incapable of  
2 operating a motorboat safely.

3 **SECTION 328.** 967.057 of the statutes is renumbered 970.15 (6).

4 **SECTION 329.** 967.06 (title) of the statutes is repealed.

5 **SECTION 330.** 967.06 (1) and (2) (a) of the statutes are consolidated,  
6 renumbered 971.013 and amended to read:

7 **971.013 Determination of indigency; appointment of counsel.** As soon  
8 as practicable after a person has been detained or arrested in connection with any  
9 offense that is punishable by incarceration, ~~or in connection with any civil~~  
10 ~~commitment proceeding,~~ or in any other situation in which a person is entitled to  
11 counsel regardless of ability to pay under the constitution or laws of the United  
12 States or this state, the person shall be informed of his or her right to counsel. **(2)**  
13 ~~(a) Except as provided in par. (b), a~~ A person entitled to counsel under sub. (1) who  
14 indicates at any time that he or she wants to be represented by a lawyer, and who  
15 claims that he or she is not able to pay in full for a lawyer's services, shall  
16 immediately be permitted to contact the authority for indigency determinations  
17 specified under s. 977.07 (1). The authority for indigency determination in each  
18 county shall have daily telephone access to the county jail in order to identify all  
19 persons who are being held in the jail. The jail personnel shall provide by phone  
20 information requested by the authority.

21 **SECTION 331.** 967.06 (2) (b) of the statutes is repealed.

22 **SECTION 332.** 967.06 (3) of the statutes is renumbered 977.072 and amended  
23 to read:

24 **977.072 Transcript or court record; costs.** In any case in which the state  
25 public defender provides representation to an indigent person, the public defender

1 may request that the applicable court reporter or clerk of circuit court prepare and  
2 transmit any transcript or court record. The request shall be complied with. The  
3 state public defender shall, from the appropriation under s. 20.550 (1) (f),  
4 compensate the court reporter or clerk of circuit court for the cost of preparing,  
5 handling, duplicating, and mailing the documents.

6 **SECTION 333.** 967.07 of the statutes is repealed.

7 **SECTION 334.** 967.08 (title) of the statutes is renumbered 967.14 (title).

8 **SECTION 335.** 967.08 (1) of the statutes is renumbered 967.14 (1) (intro.) and  
9 amended to read:

10 967.14 (1) PROCEEDINGS COVERED. (intro.) Unless good cause to the contrary is  
11 shown, the court may permit any of the following proceedings referred to in this  
12 section may to be conducted by telephone or live audiovisual means, if available. If  
13 the proceeding is required to be reported under SCR 71.01 (2), the on the request of  
14 either party:

15 **(5) PROCEDURES.** A proceeding conducted under this section shall be reported  
16 recorded by a court reporter who is in simultaneous voice communication with all  
17 parties to the proceeding. Regardless of the physical location of any party to the call,  
18 any plea, waiver, stipulation, motion, objection, decision, order or other action taken  
19 by the court or any party shall have the same effect as if made in open court. With  
20 the exceptions of scheduling conferences, pretrial conferences, and, during hours the  
21 court is not in session, setting, review, modification of bail and other conditions of  
22 release under ch. 969, the if it is required to be reported under SCR 71.01 (2). The  
23 proceeding shall be conducted in a courtroom or other place reasonably accessible to  
24 the public, with the exception of scheduling conferences, pretrial conferences, and,  
25 when the court is not in session, the setting, review, or modification of the conditions

1 of release. Simultaneous access to the proceeding shall be provided to persons  
2 entitled to attend by means of a loudspeaker or, upon request to the court, by making  
3 a person party to the telephone call without charge.

4 **SECTION 336.** 967.08 (2) (intro.) of the statutes is renumbered 967.14 (3) and  
5 amended to read:

6 967.14 (3) REQUESTS AND OBJECTIONS. ~~The court may permit the following~~  
7 ~~proceedings to be conducted under sub. (1) on the request of either party. The request~~  
8 ~~and the opposing party's showing of good cause for not conducting the proceeding A~~  
9 ~~party may make a request under sub. (1) may be made by telephone. The opposing~~  
10 ~~party may show good cause by telephone for not conducting the proceeding under this~~  
11 ~~section.~~

12 **SECTION 337.** 967.08 (2) (a) to (d) of the statutes are renumbered 967.14 (1) (a)  
13 to (d) and amended to read:

14 967.14 (1) (a) Initial appearance under s. ~~970.01~~ subch. I of ch. 971 or pretrial  
15 conference.

16 (b) Waiver of preliminary examination under s. ~~970.03~~, 971.042.

17 (e) Waiver of a competency hearing under s. 971.14 (4) or 971.81 (4).

18 (f) Waiver of a jury trial under s. 972.02 (1) 972.005.

19 (c) Motions for extension of time ~~under ss. 970.03 (2), 971.10 or other statutes.~~

20 (d) Arraignment under s. ~~971.05~~ 970.17, if the defendant intends to plead not  
21 guilty or to refuse to plead.

22 **SECTION 338.** 967.08 (3) (intro.) of the statutes is renumbered 967.14 (1) (g)  
23 (intro.) and amended to read:

24 967.14 (1) (g) (intro.) Non-evidentiary proceedings on the following matters  
25 ~~may be conducted under sub. (1) on request of either party. The request and the~~

1 ~~opposing party's showing of good cause for not conducting the proceeding under sub-~~  
2 ~~(1) may be made by telephone.;~~

3 **SECTION 339.** 967.08 (3) (a) to (f) of the statutes are renumbered 967.14 (1) (g)

4 1. to 6. and amended to read:

5 967.14 (1) (g) 1. Setting, review, and modification of ~~bail and other~~ conditions  
6 of release under s. 974.09 or ch. 969.

7 2. Motions for severance under s. ~~971.12 (3)~~ 971.68 (2) or ~~consolidation joint~~  
8 ~~trial of charges~~ under s. ~~971.12 (4)~~ 971.67.

9 3. Motions for testing of physical evidence under s. ~~971.23~~ 971.43 (5) or for  
10 protective orders under s. ~~971.23~~ 971.43 (6).

11 4. Motions ~~under s. 971.31~~ directed to the sufficiency of the complaint or the  
12 ~~affidavits supporting~~ basis for the issuance of a warrant for arrest or search.

13 5. Motions in limine, ~~including those under s. 972.11 (2) (b).~~

14 6. Motions ~~to postpone, including those under s. 971.29~~ related to scheduling  
15 under subch. III of ch. 971.

16 **SECTION 340.** 967.09 of the statutes is renumbered 967.14 (6), and 967.14 (6)  
17 (title), as renumbered, is amended to read:

18 967.14 (6) (title) ~~INTERPRETERS MAY SERVE BY TELEPHONE OR VIDEO.~~

19 **SECTION 341.** 967.10 of the statutes is renumbered 967.23.

20 **SECTION 342.** 967.11 of the statutes is renumbered 970.16.

21 **SECTION 343.** 967.12 (3) of the statutes is created to read:

22 967.12 (3) If trial is waived, when the court accepts the defendant's plea of  
23 guilty or no contest.

24 **SECTION 344.** 967.13 (1) (a) and (b) of the statutes are created to read:

25 967.13 (1) (a) The initial appearance.

1 (b) Any proceeding at which a plea is entered or withdrawn.

2 **SECTION 345.** 967.13 (1) (i) of the statutes is created to read:

3 967.13 (1) (i) Sentencing.

4 **SECTION 346.** 967.14 (1) (dm) of the statutes is created to read:

5 967.14 (1) (dm) Entry of a plea other than one that results in a finding of guilt.

6 **SECTION 347.** 967.14 (2) of the statutes is created to read:

7 967.14 (2) CRITERIA FOR GOOD CAUSE. In determining good cause under sub. (1),  
8 the court may consider the criteria under s. 885.56 (1).

9 **SECTION 348.** 967.14 (4) of the statutes is created to read:

10 967.14 (4) PLEAS OF GUILTY OR NO CONTEST AND SENTENCING. If the district  
11 attorney, the defendant, and defense counsel consent, the court may permit any of  
12 the following proceedings to be conducted by telephone:

13 (a) A proceeding to accept a plea of guilty or no contest.

14 (b) A sentencing proceeding.

15 **SECTION 349.** 967.21 (2) (title) of the statutes is created to read:

16 967.21 (2) (title) PROCEDURE.

17 **SECTION 350.** 967.21 (3) (title) of the statutes is created to read:

18 967.21 (3) (title) APPLICABILITY OF CIVIL RULES.

19 **SECTION 351.** 967.21 (4) (title) of the statutes is created to read:

20 967.21 (4) (title) ATTENDANCE BY DEFENDANT.

21 **SECTION 352.** 967.21 (5) (title) of the statutes is created to read:

22 967.21 (5) (title) USE AT TRIAL OR HEARING.

23 **SECTION 353.** 967.21 (6) (title) of the statutes is created to read:

24 967.21 (6) (title) OBJECTIONS.

25 **SECTION 354.** 967.22 (title) of the statutes is created to read:

1           **967.22** (title) **Deposition of a child by audiovisual means.**

2           **SECTION 355.** 968.01 (title) of the statutes is renumbered 970.07 (title) and  
3 amended to read:

4           **970.07** (title) **Complaint; contents and oath.**

5           **SECTION 356.** 968.01 (1) (intro.), (a) and (b) of the statutes are renumbered  
6 970.07 (1) (intro.), (a) and (b).

7           **SECTION 357.** 968.01 (1) (c) of the statutes is repealed.

8           **SECTION 358.** 968.01 (2) of the statutes is renumbered 970.07 (2) and amended  
9 to read:

10           970.07 (2) The complaint is shall include a ~~written~~ statement of the essential  
11 facts constituting the offense crime charged. ~~A, signed by a person may make a~~  
12 ~~complaint on whose knowledge, information, and belief the statement is based; the~~  
13 ~~section of the statutes alleged to have been violated; and the maximum penalty~~  
14 ~~prescribed for each crime charged.~~

15           **(3)** Except as provided in sub. ~~(3) or (4) or (5)~~, the complaint shall be made upon  
16 oath before a district attorney ~~or judge as provided in this chapter.~~

17           **SECTION 359.** 968.01 (3) of the statutes is renumbered 970.07 (4) and amended  
18 to read:

19           970.07 (4) A person may comply with sub. (2) if he or she makes the oath by  
20 telephone contact with the district attorney ~~or judge~~, signs the statement, and  
21 immediately thereafter transmits a copy facsimile of the signed statement to the  
22 district attorney ~~or judge using a facsimile machine~~. The person shall also transmit  
23 the original signed statement, ~~without using a facsimile machine~~, to the district  
24 attorney ~~or judge, who shall file it with the clerk~~. If the complaint is filed, both the  
25 original and the copy facsimile shall be filed under s. ~~968.02 (2)~~ 970.08.



1           **SECTION 366.** 968.025 (title) of the statutes is created to read:

2           **968.025 (title) Inquest procedures.**

3           **SECTION 367.** 968.025 (3) of the statutes is created to read:

4           968.025 (3) **WHERE CONDUCTED.** An inquest may be held in any county in this  
5 state in which venue would lie for the trial of any offense that could be charged as  
6 the result of or involving the death.

7           **SECTION 368.** 968.025 (4) (title) of the statutes is created to read:

8           968.025 (4) (title) **JURY SELECTION.**

9           **SECTION 369.** 968.025 (4) (e) of the statutes is created to read:

10          968.025 (4) (e) The court shall select the inquest jury by lot once a panel of at  
11 least 12 potential jurors has been qualified. If the inquest is likely to be protracted,  
12 the judge may select also one or more alternate jurors by lot. If more than 6 jurors  
13 remain after all of the evidence is presented, the court shall determine by lot which  
14 jurors will not participate in deliberations and discharge them.

15          **SECTION 370.** 968.03 (title) and (3) of the statutes are repealed.

16          **SECTION 371.** 968.03 (1) of the statutes is repealed.

17          **SECTION 372.** 968.03 (2) of the statutes is renumbered 969.20 (8) and amended  
18 to read:

19          969.20 (8) WITHDRAWAL OF WARRANT OR SUMMONS AND COMPLAINT. An unserved  
20 warrant or summons and complaint in a case in which an initial appearance has not  
21 been held shall, at the request of the district attorney, be returned to the judge who  
22 may dismiss the action. Such court, and the court shall dismiss the action. The  
23 request shall be in writing, it and shall state the reasons therefor in writing and shall  
24 be filed with the clerk for which it is made.

25          **SECTION 373.** 968.035 (title) of the statutes is created to read:

1           **968.035** (title) **Witnesses.**

2           **SECTION 374.** 968.04 (title) of the statutes is renumbered 969.20 (title) and  
3 amended to read:

4           **969.20** (title) **Warrant Issuance of arrest warrant or summons on**  
5 **complaint.**

6           **SECTION 375.** 968.04 (1) (intro.) of the statutes is renumbered 969.20 (1) and  
7 amended to read:

8           969.20 (1) WARRANTS IN GENERAL. ~~If it appears from the complaint, or from an~~  
9 ~~affidavit or affidavits filed with the complaint or after an examination under oath of~~  
10 ~~the complainant or witnesses, when the a judge determines that this is necessary,~~  
11 ~~that there is probable cause to believe that an offense has been committed and that~~  
12 ~~the accused has committed it, the judge shall issue a warrant for the arrest of the~~  
13 ~~defendant accused or a summons in lieu thereof. The probable cause determination~~  
14 ~~may be based on a criminal complaint, an affidavit filed with the criminal complaint,~~  
15 ~~or if the judge determines it is necessary, after an examination under oath of the~~  
16 ~~complainant or witness.~~ The warrant or summons shall be delivered forthwith to a  
17 law enforcement officer for service. If the judge does not find probable cause to  
18 believe that an offense has been committed or that the accused has committed it, the  
19 judge shall record that finding on the complaint, file the complaint with the clerk,  
20 and dismiss the action without prejudice.

21           **SECTION 376.** 968.04 (1) (a) of the statutes is repealed.

22           **SECTION 377.** 968.04 (1) (b) of the statutes is renumbered 969.20 (4) and  
23 amended to read:

24           969.20 (4) ISSUANCE BY JUDGE FROM ANOTHER COUNTY. ~~A warrant or summons~~  
25 ~~may be issued by a judge in another county may issue a warrant or summons when~~

1 there is no available judge of the county in which the complaint is issued. The  
2 warrant or summons shall be returnable before a judge to a court in the county in  
3 which the offense alleged in the complaint was committed, and the summons shall  
4 be returnable before the circuit court of the county in which the offense alleged in the  
5 complaint was committed issued.

6 **SECTION 378.** 968.04 (1) (c) of the statutes is renumbered 969.20 (5) and  
7 amended to read:

8 969.20 (5) GEOGRAPHICAL LIMITS. A judge issuing an arrest warrant may specify  
9 geographical limits for its enforcement of a warrant.

10 **SECTION 379.** 968.04 (1) (d) of the statutes is renumbered 969.20 (3) and  
11 amended to read:

12 969.20 (3) EXAMINATION OF COMPLAINANT OR WITNESS. An A judge shall place  
13 each complainant or witness under oath and arrange for all sworn testimony to be  
14 recorded, either by a stenographic reporter or by means of a voice recording device.

15 A judge may permit an examination of the complainant or witness under sub. (1) may  
16 or (2) to take place by telephone on request of the person seeking the warrant or  
17 summons unless good cause to the contrary appears. The judge shall place each  
18 complainant or witness under oath and arrange for all sworn testimony to be  
19 recorded, either by a stenographic reporter or by means of a voice recording device.  
20 The judge shall may have the record transcribed. The If the record is transcribed,  
21 the transcript, certified as accurate by the judge or reporter, as appropriate, shall be  
22 filed with the court. If the testimony was recorded by means of a voice recording  
23 device, the judge shall also file the original recording with the court.

24 **SECTION 380.** 968.04 (2) (title) of the statutes is repealed.

1           **SECTION 381.** 968.04 (2) (a) of the statutes is renumbered 969.20 (7) (a) and  
2 amended to read:

3           969.20 (7) (a) ~~In After issuing a complaint in any case,~~ the district attorney,  
4 ~~after the issuance of a complaint,~~ may issue a summons in lieu of requesting the  
5 issuance of a warrant. ~~The complaint district attorney shall then be filed~~ file the  
6 complaint with the clerk.

7           **SECTION 382.** 968.04 (2) (b) of the statutes is renumbered 969.20 (7) (b).

8           **SECTION 383.** 968.04 (2) (c) of the statutes is repealed.

9           **SECTION 384.** 968.04 (3) (title) of the statutes is repealed.

10          **SECTION 385.** 968.04 (3) (a) (intro.) of the statutes is renumbered 969.21 (1)  
11 (intro.) and amended to read:

12          969.21 (1) ~~WARRANT~~ MANDATORY PROVISIONS. (intro.) ~~The An arrest warrant~~  
13 shall meet all of the following requirements:

14          **SECTION 386.** 968.04 (3) (a) 1. to 6. of the statutes are renumbered 969.21 (1)  
15 (a) to (f) and amended to read:

16          969.21 (1) (a) ~~Be~~ The warrant shall be in writing and signed by the judge.

17          (b) ~~State~~ The warrant shall state the name of the crime the defendant allegedly  
18 committed and the number of the statutory section charged ~~and number of the~~  
19 ~~section alleged to have been~~ that the defendant allegedly violated.

20          (c) ~~Have~~ The warrant shall have attached to it a copy of the complaint.

21          (d) ~~State~~ The warrant shall state the name of the person to be arrested, if  
22 known, or if not known, designate the person to be arrested by any description by  
23 which the person to be arrested can be identified with reasonable certainty.

24          (e) ~~State~~ The warrant shall state the date when it was issued ~~and,~~ the name  
25 of the judge who issued it ~~together with,~~ and the title of the judge's office.



1           **SECTION 389.** 968.04 (3) (b) (title) of the statutes is renumbered 969.22 (title).

2           **SECTION 390.** 968.04 (3) (b) 1. of the statutes is renumbered 969.22 (1) and  
3 amended to read:

4           969.22 (1) MANDATORY PROVISIONS. The summons shall command the defendant  
5 to appear before a court at a certain time and place and shall be in substantially the  
6 form set forth in ~~subd. 3.~~ s. 969.26 (2). The complaint and summons may be on the  
7 same form. If they are, the complaint shall be beneath the summons. If separate  
8 forms are used, a copy of the complaint shall be attached to the summons.

9           **SECTION 391.** 968.04 (3) (b) 2. of the statutes is renumbered 969.22 (2) and  
10 amended to read:

11           969.22 (2) SERVICE. A summons may be served anywhere in the state and it  
12 shall be served by delivering a copy to the defendant personally ~~or,~~ by leaving a copy  
13 at the defendant's his or her usual place of abode with a person of discretion residing  
14 ~~therein~~ there, or by mailing a copy to the defendant's last-known address. ~~It shall~~  
15 ~~be served by a law enforcement officer.~~

16           **SECTION 392.** 968.04 (3) (b) 3. (intro.) of the statutes is renumbered 969.26 (2)  
17 (intro.) and amended to read:

18           969.26 (2) SUMMONS. (intro.) The A summons shall be in substantially the  
19 following form:

20           **SECTION 393.** 968.04 (3) (b) 3. a. of the statutes is repealed.

21           **SECTION 394.** 968.04 (3) (b) 3. b. (intro.) of the statutes is repealed.

22           **SECTION 395.** 968.04 (3) (b) 3. b. (form) of the statutes is renumbered 969.26  
23 (2) (form) and amended to read:

24           969.26 (2) (form)

25           STATE OF WISCONSIN,



1 (b) A warrant is served by arresting the defendant and informing the defendant  
2 as soon as practicable of the nature of the crime with which ~~the defendant~~ he or she  
3 is charged.

4 (c) An arrest may be made by a law enforcement officer without a warrant in  
5 the law enforcement officer's possession when the law enforcement officer ~~has~~  
6 ~~knowledge~~ reasonably believes that a warrant has been issued. In such case, the  
7 officer shall inform the defendant as soon as practicable of the nature of the crime  
8 with which the defendant is charged.

9 (d) The law enforcement officer arresting a defendant shall ~~endorse~~ record  
10 upon the warrant the time and place of the arrest ~~and the law enforcement officer's~~  
11 ~~fees and mileage therefor.~~

12 **SECTION 398.** 968.05 of the statutes is renumbered 969.23, and 969.23 (1) and  
13 (2), as renumbered, are amended to read:

14 969.23 (1) When a corporation or limited liability company is charged with the  
15 ~~commission of~~ committing a criminal offense, the judge or district attorney shall  
16 issue a summons setting forth the nature of the offense and commanding the  
17 corporation or limited liability company to appear before a court at a specific time  
18 and place. The corporation or limited liability company shall appear by a corporate  
19 officer or an authorized agent other than defense counsel.

20 (2) The summons for the appearance of a corporation or limited liability  
21 company may be served as ~~provided for service of a summons~~ in the same way that  
22 a summons is served upon a corporation or limited liability company in a civil action  
23 under s. 801.11 (5). The summons ~~shall be returnable not less than~~ may not be  
24 returnable until at least 10 days after service.

25 **SECTION 399.** 968.06 (title) of the statutes is repealed.

1           **SECTION 400.** 968.06 of the statutes is renumbered 970.06 (4) and amended to  
2 read:

3           970.06 (4) Upon indictment by a grand jury a complaint shall be issued filed,  
4 as provided by s. ~~968.02~~ 970.08, upon the person named in the indictment and the  
5 person shall be entitled to a preliminary hearing under s. ~~970.03~~ 971.042, and all  
6 proceedings thereafter shall be the same as if the person had been initially charged  
7 under s. ~~968.02~~ 970.08 and had not been indicted by a grand jury.

8           **SECTION 401.** 968.07 of the statutes is renumbered 969.16, and 969.16 (1) to  
9 (3), as renumbered, are amended to read:

10           969.16 (1) ~~A~~ Except as provided in sub. (3), a law enforcement officer may  
11 arrest a person when:

12           (a) The law enforcement officer has a warrant commanding that such person  
13 be arrested; ~~or,~~

14           (b) The law enforcement officer reasonably believes, ~~on reasonable grounds,~~  
15 that a warrant for the person's arrest has been issued in this state; ~~or,~~

16           (c) The law enforcement officer reasonably believes, ~~on reasonable grounds,~~  
17 that a felony warrant for the person's arrest has been issued in another state; ~~or,~~

18           (d) ~~There are reasonable grounds~~ The law enforcement officer has probable  
19 cause to believe that the person is committing or has committed a crime.

20           **(1m)** Notwithstanding sub. (1), a law enforcement officer shall arrest a person  
21 when required to do so under s. 813.12 (7), 813.122 (10), 813.125 (6), 813.128 (1) (b),  
22 or ~~968.075 (2) (a)~~ 969.27 (2) (a) or (5) (e).

23           **(2)** A law enforcement officer making a lawful arrest may command the aid of  
24 any person, and such person shall have the same power as ~~that of~~ the law  
25 enforcement officer.

1           (3) ~~If the alleged violator under No law enforcement officer may arrest a person~~  
2 ~~alleged to have violated s. 948.55 (2) or 948.60 (2) (c) until at least 7 days after the~~  
3 ~~date of the shooting, if the person is or was the parent or guardian of a child who is~~  
4 ~~injured or dies as a result of an accidental the shooting, no law enforcement officer~~  
5 ~~may arrest the alleged violator until at least 7 days after the date of the shooting.~~

6           **SECTION 402.** 968.073 of the statutes is renumbered 969.165, and 969.165 (2),  
7 as renumbered, is amended to read:

8           969.165 (2) It is the policy of this state to make an audio or audio and visual  
9 recording of a custodial interrogation of a person suspected of committing a felony  
10 unless a condition under s. ~~972.115 (2)~~ 972.18 (3) (a) 1. to 6. applies or good cause is  
11 shown for not making an audio or audio and visual recording of the interrogation.

12           **SECTION 403.** 968.075 (title) of the statutes is renumbered 969.27 (title).

13           **SECTION 404.** 968.075 (1) of the statutes is renumbered 969.27 (1).

14           **SECTION 405.** 968.075 (2) (a) of the statutes is renumbered 969.27 (2) (a), and  
15 969.27 (2) (a) (intro.), as renumbered, is amended to read:

16           969.27 (2) (a) (intro.) Notwithstanding s. ~~968.07 (1)~~ 969.16 (1) and except as  
17 provided in pars. (am) and (b), a law enforcement officer shall arrest and take a  
18 person into custody if:

19           **SECTION 406.** 968.075 (2) (am) of the statutes is renumbered 969.27 (2) (am)  
20 and amended to read:

21           969.27 (2) (am) Notwithstanding s. ~~968.07 (1)~~ 969.16 (1), unless the person's  
22 arrest is required under s. 813.12 (7), 813.122 (10), 813.125 (6), or 813.128 (1) (b) or  
23 sub. (5) (e), if a law enforcement officer identifies the predominant aggressor, it is  
24 generally not appropriate for a law enforcement officer to arrest anyone under par.  
25 (a) other than the predominant aggressor.

1           **SECTION 407.** 968.075 (2) (ar) of the statutes is renumbered 969.27 (2) (ar).

2           **SECTION 408.** 968.075 (2) (b) of the statutes is renumbered 969.27 (2) (b).

3           **SECTION 409.** 968.075 (2m) of the statutes is renumbered 969.27 (2m) and  
4 amended to read:

5           969.27 **(2m)** IMMEDIATE RELEASE PROHIBITED. Unless s. ~~968.08~~ 969.17 applies,  
6 a law enforcement officer may not release a person whose arrest was required under  
7 sub. (2) until the person ~~posts bail~~ remits a cash deposit under s. ~~969.07~~ 969.36 or  
8 appears before a judge under s. ~~970.01 (1)~~ subch. I of ch. 971.

9           **SECTION 410.** 968.075 (3) of the statutes is renumbered 969.27 (3).

10          **SECTION 411.** 968.075 (4) of the statutes is renumbered 969.27 (4).

11          **SECTION 412.** 968.075 (5) of the statutes is renumbered 969.27 (5), and 969.27  
12 (5) (e), as renumbered, is amended to read:

13          969.27 **(5)** (e) Notwithstanding s. ~~968.07 (1)~~ 969.16 (1), a law enforcement  
14 officer shall arrest and take a person into custody if the officer has reasonable  
15 grounds to believe that the person has violated par. (a).

16          **SECTION 413.** 968.075 (6) to (9) of the statutes are renumbered 969.27 (6) to (9).

17          **SECTION 414.** 968.08 of the statutes is renumbered 969.17 and amended to  
18 read:

19          **969.17 Release by law enforcement officer of arrested person.** ~~A~~ Except  
20 as provided in s. 969.27 (5) (b) 1., a law enforcement officer having custody of a person  
21 arrested without a warrant may release the person arrested with or without  
22 requiring the person to appear before a judge ~~if the law enforcement officer is~~  
23 ~~satisfied that there are insufficient grounds for the issuance of a criminal complaint~~  
24 ~~against the person arrested or the district attorney.~~

1           **SECTION 415.** 968.085 (title) of the statutes is renumbered 969.24 (title) and  
2 amended to read:

3           **969.24** (title) ~~Citation; nature; issuance; release of accused for~~  
4 ~~misdemeanor.~~

5           **SECTION 416.** 968.085 (1) of the statutes is renumbered 969.24 (1) and amended  
6 to read:

7           969.24 (1) NATURE. A citation under this section is a directive, issued by a law  
8 enforcement officer, that a person appear in court ~~and answer criminal charges.~~ A  
9 ~~citation is not~~ or the district attorney's office. A sworn citation in compliance with  
10 sub. (3) (b) may be used as a criminal complaint and may not be used as a substitute  
11 for a criminal complaint if endorsed by the district attorney as provided in sub. (5).

12           **SECTION 417.** 968.085 (2) (intro.) of the statutes is renumbered 969.24 (2) and  
13 amended to read:

14           969.24 (2) AUTHORITY TO ISSUE; EFFECT. ~~Except as provided in sub. (8), a~~ A law  
15 enforcement officer may issue a citation to any person whom he or she has reasonable  
16 ~~grounds~~ probable cause to believe has committed a misdemeanor. A citation may be  
17 issued in the field ~~or at the headquarters or precinct station of the officer instead of~~  
18 ~~or subsequent to~~ at any time after a lawful arrest. If a citation is issued, the person  
19 ~~cited shall be released on his or her own recognizance.~~ In determining whether to  
20 issue a citation, the law enforcement officer may consider whether:

21           **SECTION 418.** 968.085 (2) (a) to (f) of the statutes are repealed.

22           **SECTION 419.** 968.085 (3) (intro.) of the statutes is renumbered 969.24 (3)  
23 (intro.).

24           **SECTION 420.** 968.085 (3) (a) of the statutes is renumbered 969.24 (3) (a) and  
25 amended to read:

1           969.24 (3) (a) ~~Identify the offense and section which~~ State essential facts  
2           ~~constituting the crime the person is alleged to have~~ allegedly committed and the  
3           ~~statutory section that the person allegedly~~ violated, including the date, and if  
4           ~~material, identify the property and other persons involved~~ of the offense and the  
5           maximum penalty for the offense.

6           **SECTION 421.** 968.085 (3) (b) of the statutes is renumbered 969.24 (3) (b) and  
7           amended to read:

8           969.24 (3) (b) ~~Contain~~ State the name of the person cited and the address of the  
9           person cited, or other identification if that the address cannot be ascertained.

10          **SECTION 422.** 968.085 (3) (c) of the statutes is renumbered 969.24 (3) (c).

11          **SECTION 423.** 968.085 (3) (d) of the statutes is renumbered 969.24 (3) (d) and  
12          amended to read:

13          969.24 (3) (d) ~~Direct the person cited to appear for his or her initial appearance~~  
14          ~~in a designated court, at a designated~~ at a specified location and at a specified time  
15          and date.

16          **SECTION 424.** 968.085 (4) of the statutes is renumbered 969.24 (4) and amended  
17          to read:

18          969.24 (4) SERVICE. ~~A~~ The officer issuing the citation shall give a copy of the  
19          ~~citation shall be delivered to the person cited, and file the original must be filed with~~  
20          the district attorney.

21          **SECTION 425.** 968.085 (5) of the statutes is renumbered 969.24 (5) and amended  
22          to read:

23          969.24 (5) REVIEW BY DISTRICT ATTORNEY. The district attorney shall review the  
24          citation. The district attorney may issue a complaint by endorsing a sworn citation  
25          with his or her signature or issue a separate complaint charging the cited person.

1 If the district attorney reviews the case before the return date and declines to  
2 prosecute, he or she shall notify the law enforcement agency ~~which~~ that issued the  
3 citation. The law enforcement agency shall attempt to notify the person cited that  
4 he or she will not be charged and is not required to appear as directed in the citation.

5 **SECTION 426.** 968.085 (6) of the statutes is renumbered 969.24 (6).

6 **SECTION 427.** 968.085 (7) of the statutes is renumbered 969.24 (7) and amended  
7 to read:

8 969.24 (7) ~~PREPARATION OF FORM.~~ The ~~judicial conference shall prescribe the~~  
9 ~~form and content of the citation under s. 758.171 shall be in substantially the same~~  
10 ~~form set forth in s. 969.26 (3).~~

11 **SECTION 428.** 968.085 (8) of the statutes is renumbered 969.24 (8) and amended  
12 to read:

13 969.24 (8) ~~INAPPLICABILITY TO CERTAIN DOMESTIC ABUSE CASES.~~ A law enforcement  
14 officer may not issue a citation to a person for an offense if the officer is required to  
15 arrest the person for that offense under s. ~~968.075~~ 969.27 (2).

16 **SECTION 429.** 968.09 (title) of the statutes is renumbered 969.50 (title) and  
17 amended to read:

18 **969.50 (title) ~~Warrant~~ Bench warrant for defendant or witness on**  
19 **failure to appear.**

20 **SECTION 430.** 968.09 (1) of the statutes is renumbered 969.50 (1) and amended  
21 to read:

22 969.50 (1) When a defendant or a witness fails to appear before the court as  
23 required, or violates a ~~term of the defendant's or witness's bond or the defendant's~~  
24 ~~or witness's probation, if any~~ condition of release, the court may issue a bench  
25 warrant for the defendant's or witness's arrest which shall direct that the defendant

1 or witness be brought before the court without unreasonable delay. The court shall  
2 state on the record at the time of issuance of the bench warrant the reason therefor.

3 **SECTION 431.** 968.09 (2) of the statutes is repealed.

4 **SECTION 432.** 968.10 of the statutes is renumbered 968.455, and 968.455  
5 (intro.), (1), (2), (3), (4) and (5), as renumbered, are amended to read:

6 **968.455 Searches and seizures; when authorized.** (intro.) A search of a  
7 person, object, or place may be made and things may be seized when the search is  
8 made under any of the following circumstances:

9 (1) Incident to a lawful arrest;

10 (2) With consent;

11 (3) Pursuant to a valid search warrant;

12 (4) With the authority and within the scope of a right of lawful inspection;

13 (5) Pursuant to a search during an authorized temporary questioning as  
14 provided in s. ~~968.25~~; or 968.565.

15 **SECTION 433.** Subchapter II (title) of chapter 968 [precedes 968.105] of the  
16 statutes is created to read:

17 **CHAPTER 968**

18 **SUBCHAPTER II**

19 **JOHN DOE PROCEEDINGS**

20 **SECTION 434.** 968.11 of the statutes is renumbered 968.575 and amended to  
21 read:

22 **968.575 Scope of search incident to lawful arrest.** When a lawful arrest  
23 is made, a law enforcement officer may reasonably search the person arrested and  
24 an area within such person's immediate presence for any of the purpose of following  
25 purposes:

- 1 (1) Protecting the officer from attack;.
- 2 (2) Preventing the person from escaping;.
- 3 (3) Discovering and seizing the fruits of the crime; or other offense.
- 4 (4) Discovering and seizing any instruments, articles, or things which may
- 5 have been used in the commission of, or which may constitute evidence of, the
- 6 offense.

7 **SECTION 435.** 968.12 (title) of the statutes is renumbered 968.465 (title) and  
8 amended to read:

9 **968.465 (title) Search Application for and issuance of search warrant.**

10 **SECTION 436.** 968.12 (1) of the statutes is renumbered 968.465 (1) and amended  
11 to read:

12 968.465 (1) DESCRIPTION AND ISSUANCE. A search warrant is an order signed by  
13 a judge directing a law enforcement officer to conduct a search of a designated person,  
14 a designated object, or a designated place for the purpose of seizing designated  
15 property or kinds of property. A judge shall issue a search warrant if probable cause  
16 is shown.

17 **SECTION 437.** 968.12 (2) and (3) (a) and (d) of the statutes are consolidated,  
18 renumbered 968.465 (2) and amended to read:

19 968.465 (2) ~~WARRANT UPON AFFIDAVIT~~ PROCEDURE GENERALLY. ~~A search warrant~~  
20 ~~may be based upon sworn complaint or~~ Probable cause may be shown by an affidavit,  
21 ~~or by oral testimony, or by a combination of an affidavit and oral testimony. The~~  
22 affidavit or testimony shall be sworn to or affirmed and may be upon information and  
23 belief. Oral testimony shall be recorded by a phonographic stenographic reporter or  
24 ~~under sub. (3) (d), showing probable cause therefor. The complaint, affidavit or~~  
25 ~~testimony may be upon information and belief. (3) (a) General rule. A search~~

1 ~~warrant may be based upon sworn oral testimony~~ voice recording device and may be  
2 communicated to the judge in person or by telephone, radio, or other reliable means  
3 of electronic communication, under the procedure prescribed in this subsection. (d)  
4 ~~*Recording and certification of testimony.* When a caller informs the judge that the~~  
5 ~~purpose of the call is to request a warrant, the judge shall place under oath each~~  
6 ~~person whose testimony forms a basis of the application and each person applying~~  
7 ~~for the warrant. The judge or requesting person shall arrange for all sworn~~  
8 ~~testimony to be recorded either by a stenographic reporter or by means of a voice~~  
9 ~~recording device. The judge shall have the record transcribed. The.~~ A transcript of  
10 the testimony, certified as accurate by the judge or reporter, as appropriate, shall be  
11 filed with the court. If the testimony was recorded by means of a voice recording  
12 device, the judge shall also file and the original recording of any testimony recorded  
13 by a voice recording device shall be filed with the court.

14 **SECTION 438.** 968.12 (3) (title) of the statutes is renumbered 968.465 (3) (title)  
15 and amended to read:

16 968.465 (3) (title) ~~WARRANT UPON ORAL~~ TELEPHONE AND OTHER REMOTE TESTIMONY;  
17 DUPLICATE WARRANT PROCEDURE.

18 **SECTION 439.** 968.12 (3) (b) of the statutes is renumbered 968.465 (3) (a) and  
19 amended to read:

20 968.465 (3) (a) ~~*Application.* The person who is requesting the warrant~~ When  
21 the applicant for a search warrant is testifying outside the presence of the judge, the  
22 judge shall place the applicant under oath or affirmation and arrange for all  
23 testimony to be recorded. The applicant shall prepare a duplicate original warrant  
24 and read the duplicate original warrant, verbatim, to the judge. The judge shall

1 enter, verbatim, what is read on the original warrant. ~~The~~ Thereafter, but before  
2 signing the original warrant, the judge may direct that the warrant be modified.

3 **SECTION 440.** 968.12 (3) (c) and (f) of the statutes are consolidated, renumbered  
4 968.465 (3) (b) and amended to read:

5 968.465 (3) (b) *Issuance.* If the judge determines that there is probable cause  
6 for the warrant, the judge shall ~~order the issuance of a~~ issue the warrant by directing  
7 ~~the person requesting the warrant to sign the judge's name on the duplicate original~~  
8 ~~warrant. In addition, the person shall sign his or her own name on the duplicate~~  
9 ~~original warrant. The judge shall immediately sign~~ signing the original warrant and  
10 enter on the face of the original warrant the exact time when the warrant was  
11 ordered to be issued. ~~The finding of probable cause for a warrant upon oral testimony~~  
12 ~~shall be based on the same kind of evidence as is sufficient for a warrant upon~~  
13 ~~affidavit.~~ (f) *Entry of time of execution.* The judge shall direct the applicant to sign  
14 the judge's name on the duplicate warrant. In addition the applicant shall sign his  
15 or her own name on the duplicate warrant. The person who executes the warrant  
16 shall enter the exact time of execution on the face of the duplicate ~~original~~ warrant.

17 **SECTION 441.** 968.12 (3) (e) of the statutes is repealed.

18 **SECTION 442.** 968.12 (4) of the statutes is renumbered 968.465 (7).

19 **SECTION 443.** 968.13 (title) of the statutes is renumbered 968.475 (title) and  
20 amended to read:

21 **968.475** (title) ~~Search warrant; property~~ **Property subject to seizure.**

22 **SECTION 444.** 968.13 (1) (intro.) of the statutes is renumbered 968.475 (2)  
23 (intro.) and amended to read:

24 968.475 (2) (intro.) A search warrant may authorize the seizure of any of the  
25 following:

1           **SECTION 445.** 968.13 (1) (a) of the statutes is renumbered 968.475 (1) (a) and  
2 amended to read:

3           968.475 (1) (a) ~~“Contraband, which”~~ includes ~~without limitation because of~~  
4 ~~enumeration, but is not limited to,~~ lottery tickets, gambling machines, or other  
5 gambling devices; lewd, obscene, or indecent written matter, pictures, sound  
6 recordings, or motion picture films; forged money or written instruments and the  
7 tools, dies, machines, or materials for making them; and controlled substances, as  
8 defined in s. 961.01 (4), and controlled substance analogs, as defined in s. 961.01  
9 (4m), and the implements for smoking or injecting them. ~~Gambling~~ “Contraband”  
10 does not include machines or other gambling devices possessed by a shipbuilding  
11 business that complies with s. 945.095 ~~are not subject to this section.~~

12           **SECTION 446.** 968.13 (1) (b), (c) and (d) of the statutes are renumbered 968.475  
13 (2) (b), (c) and (d).

14           **SECTION 447.** 968.13 (2) of the statutes is renumbered 968.475 (1) (intro.) and  
15 amended to read:

16           968.475 (1) (intro.) In this section, ~~“documents”~~:

17           (b) “Documents” includes, but is not limited to, books, papers, records,  
18 recordings, tapes, photographs, films, or computer or electronic data.

19           **SECTION 448.** 968.135 (title) of the statutes is renumbered 968.705 (title).

20           **SECTION 449.** 968.135 of the statutes is renumbered 968.705 (1) and amended  
21 to read:

22           968.705 (1) Upon the request of the attorney general or a district attorney and  
23 upon a showing of probable cause under s. ~~968.12~~ 968.465, a court shall issue a  
24 subpoena requiring the production of documents, as ~~specified~~ defined in s. ~~968.13(2)~~.  
25 ~~The documents shall be returnable to the court which issued the subpoena. Motions~~

1 ~~to the court, including, but not limited to, 968.475 (1) (b), within a reasonable time~~  
2 ~~set by the court and set forth in the subpoena.~~

3 (4) The person to whom the subpoena is directed may make motions to quash  
4 or limit the subpoena, ~~shall be~~ addressed to the court which issued the subpoena.

5 (5) Any person who unlawfully refuses to produce the documents under sub.  
6 (1) may be compelled to do so as provided in under ch. 785.

7 (7) This section does not limit or affect any other subpoena authority provided  
8 by law.

9 **SECTION 450.** 968.14 of the statutes is renumbered 968.485 (1).

10 **SECTION 451.** 968.15 of the statutes is renumbered 968.495, and 968.495 (1),  
11 as renumbered, is amended to read:

12 968.495 (1) A search warrant ~~must~~ may not be executed ~~and returned not~~ more  
13 than 5 days after the date of issuance.

14 **SECTION 452.** Subchapter III (title) of chapter 968 [precedes 968.155] of the  
15 statutes is created to read:

16 **CHAPTER 968**

17 **SUBCHAPTER III**

18 **GRAND JURIES**

19 **SECTION 453.** 968.16 of the statutes is renumbered 968.485 (2).

20 **SECTION 454.** 968.17 of the statutes is renumbered 968.506.

21 **SECTION 455.** 968.18 of the statutes is renumbered 968.605.

22 **SECTION 456.** 968.19 of the statutes is renumbered 968.615 and amended to  
23 read:

24 **968.615 Custody of property seized.** Property A law enforcement officer  
25 shall safely keep property seized under a search warrant or validly seized without

1 a warrant shall be safely kept by the officer, who and may leave it in the custody of  
2 the sheriff and take a receipt therefor, for it. The property shall be kept so long as  
3 necessary for the purpose of being produced as evidence on any trial.

4 **SECTION 457.** 968.20 (title) of the statutes is renumbered 968.625 (title).

5 **SECTION 458.** 968.20 (1) of the statutes, as affected by 2015 Wisconsin Act 64,  
6 is renumbered 968.625 (1) and amended to read:

7 968.625 (1) Any person claiming the right to possession of property seized  
8 pursuant to a search warrant or seized without a search warrant may apply for its  
9 return to the circuit court for the county in which the property was seized or where  
10 the search warrant was returned, except that a court may commence a hearing, on  
11 its own initiative, to return property seized under s. ~~968.26~~ 968.105.

12 **SECTION 459.** 968.20 (1g) of the statutes, as affected by 2015 Wisconsin Act 64,  
13 is renumbered 968.625 (1g), and 968.625 (1g) (intro.), as renumbered, is amended to  
14 read:

15 968.625 (1g) (intro.) The court shall order such notice as it deems adequate to  
16 be given the district attorney and, unless notice was provided under s. 968.26 (7), to  
17 all persons who have or may have an interest in the property. The court shall hold  
18 a hearing to hear all claims to its true ownership. If the right to possession is proved  
19 to the court's satisfaction, it shall order the property, other than contraband or  
20 property covered under sub. (1m) or (1r) or s. 173.12 (1m), 173.21 (4) (1), or ~~968.205~~  
21 968.645, returned if any of the following applies:

22 **SECTION 460.** 968.20 (1m) of the statutes, as affected by 2015 Wisconsin Act  
23 141, is renumbered 968.625 (1m), and 968.625 (1m) (e), as renumbered, is amended  
24 to read:

1           968.625 **(1m)** (e) Property which may not be returned to an owner under this  
2 subsection shall be disposed of under ~~subs. (3) and (4)~~ s. 175.27.

3           **SECTION 461.** 968.20 (1r) of the statutes is renumbered 968.625 (1r).

4           **SECTION 462.** 968.20 (2) of the statutes, as affected by 2015 Wisconsin Act 141,  
5 is renumbered 968.625 (2) and amended to read:

6           968.625 **(2)** Property not required for evidence or use in further investigation,  
7 unless contraband or property covered under sub. (1m) (c) or (1r) or s. 173.12 (1m),  
8 173.21 (1), or ~~968.205~~ 968.645, may be returned by the officer to the person from  
9 whom it was seized without the requirement of a hearing.

10          **SECTION 463.** 968.20 (3) and (4) of the statutes are renumbered 175.27 (1) and  
11 (2) and amended to read:

12          175.27 **(1)** (a) ~~First~~ Unless the dangerous weapons or ammunition may be  
13 returned to the owner under s. 968.625 (1m) (b), first class cities shall dispose of  
14 dangerous weapons or ammunition seized 12 months after taking possession of them  
15 if the owner, authorized under sub. (1m), has not requested their return and if the  
16 dangerous weapon or ammunition is not required for evidence or use in further  
17 investigation and has not been disposed of pursuant to a court order at the  
18 completion of a criminal action or proceeding. Disposition procedures shall be  
19 established by ordinance or resolution and may include provisions authorizing an  
20 attempt to return to the rightful owner any dangerous weapons or ammunition  
21 which appear to be stolen or are reported stolen. If enacted, any such provision shall  
22 include a presumption that, if the dangerous weapons or ammunition appear to be  
23 or are reported stolen, an attempt will be made to return the dangerous weapons or  
24 ammunition to the authorized rightful owner. If the return of a seized dangerous  
25 weapon other than a firearm is not requested by its rightful owner under ~~sub.~~ s.

1 968.625 (1) and is not returned by the officer under ~~sub. s. 968.625~~ (2), the city shall  
2 safely dispose of the dangerous weapon or, if the dangerous weapon is a motor  
3 vehicle, as defined in s. 340.01 (35), sell the motor vehicle following the procedure  
4 under s. 973.075 (4) or authorize a law enforcement agency to retain and use the  
5 motor vehicle. If the return of a seized firearm or ammunition is not requested by  
6 its authorized rightful owner under ~~sub. s. 968.625~~ (1) and is not returned by the  
7 officer under ~~sub. s. 968.625~~ (2), the seized firearm or ammunition shall be shipped  
8 to and become property of the state crime laboratories. A person designated by the  
9 department of justice may destroy any material for which the laboratory has no use  
10 or arrange for the exchange of material with other public agencies. In lieu of  
11 destruction, shoulder weapons for which the laboratories have no use shall be turned  
12 over to the department of natural resources for sale and distribution of proceeds  
13 under s. 29.934 or for use under s. 29.938.

14 (b) Except as provided in par. (a) ~~or, sub. (1m) (2), or (4) s. 968.625 (1m)~~, a city,  
15 village, town, or county or other custodian of a seized dangerous weapon or  
16 ammunition, if the dangerous weapon or ammunition is not required for evidence or  
17 use in further investigation and has not been disposed of pursuant to a court order  
18 at the completion of a criminal action or proceeding, shall make reasonable efforts  
19 to notify all persons who have or may have an authorized rightful interest in the  
20 dangerous weapon or ammunition of the application requirements under ~~sub. s.~~  
21 968.625 (1). If, within 30 days after the notice, an application under ~~sub. s. 968.625~~  
22 (1) is not made and the seized dangerous weapon or ammunition is not returned by  
23 the officer under ~~sub. s. 968.625~~ (2), the city, village, town, or county or other  
24 custodian may retain the dangerous weapon or ammunition and authorize its use by  
25 a law enforcement agency, except that a dangerous weapon used in the commission

1 of a homicide or a handgun, as defined in s. 175.35 (1) (b), may not be retained. If  
2 a dangerous weapon other than a firearm is not so retained, the city, village, town,  
3 or county or other custodian shall safely dispose of the dangerous weapon or, if the  
4 dangerous weapon is a motor vehicle, as defined in s. 340.01 (35), sell the motor  
5 vehicle following the procedure under s. 973.075 (4). If a firearm or ammunition is  
6 not so retained, the city, village, town, or county or other custodian shall ship it to  
7 the state crime laboratories and it is then the property of the laboratories. A person  
8 designated by the department of justice may destroy any material for which the  
9 laboratories have no use or arrange for the exchange of material with other public  
10 agencies. In lieu of destruction, shoulder weapons for which the laboratory has no  
11 use shall be turned over to the department of natural resources for sale and  
12 distribution of proceeds under s. 29.934 or for use under s. 29.938.

13 (2) Any property seized, other than property covered under s. ~~968.205~~ 968.645,  
14 that poses a danger to life or other property in storage, transportation, or use and  
15 that is not required for evidence or further investigation shall be safely disposed of  
16 upon command of the person in whose custody they are committed. The city, village,  
17 town, or county shall by ordinance or resolution establish disposal procedures.  
18 Procedures may include provisions authorizing an attempt to return to the rightful  
19 owner substances which have a commercial value in normal business usage and do  
20 not pose an immediate threat to life or property. If enacted, any such provision shall  
21 include a presumption that if the substance appears to be or is reported stolen an  
22 attempt will be made to return the substance to the rightful owner.

23 **SECTION 464.** 968.205 of the statutes is renumbered 968.645, and 968.645 (1)  
24 (a) and (b) and (2), as renumbered, are amended to read:

1           968.645 (1) (a) “Custody” means actual custody of a person under a sentence  
2 of imprisonment, custody of a probationer, parolee, or person on extended  
3 supervision by the department of corrections, actual or constructive custody of a  
4 person pursuant to a dispositional order under ch. 938, supervision of a person,  
5 whether in institutional care or on conditional release, pursuant to a commitment  
6 order under s. ~~971.17~~ 971.85, and supervision of a person under ch. 980, whether in  
7 detention before trial or while in institutional care or on supervised release pursuant  
8 to a commitment order.

9           (b) “Discharge date” means the date on which a person is released or discharged  
10 from custody that resulted from a criminal action, a delinquency proceeding under  
11 ch. 938, or a commitment proceeding under s. ~~971.17~~ 971.85 or ch. 980 or, if the  
12 person is serving consecutive sentences of imprisonment, the date on which the  
13 person is released or discharged from custody under all of the sentences.

14           (2) Except as provided in sub. (3), if physical evidence that is in the possession  
15 of a law enforcement agency includes any biological material that was collected in  
16 connection with a criminal investigation that resulted in a criminal conviction,  
17 delinquency adjudication, or commitment under s. ~~971.17~~ 971.85 or 980.06 and the  
18 biological material is from a victim of the offense that was the subject of the criminal  
19 investigation or may reasonably be used to incriminate or exculpate any person for  
20 the offense, the law enforcement agency shall preserve the physical evidence until  
21 every person in custody as a result of the conviction, adjudication, or commitment  
22 has reached his or her discharge date.

23           **SECTION 465.** 968.21 of the statutes is renumbered 968.465 (4).

24           **SECTION 466.** 968.22 of the statutes is renumbered 968.515.

25           **SECTION 467.** 968.23 of the statutes is renumbered 968.525.

1           **SECTION 468.** 968.24 of the statutes is renumbered 968.555.

2           **SECTION 469.** 968.25 of the statutes is renumbered 968.565 and amended to  
3 read:

4           **968.565 Search during temporary questioning.** When a law enforcement  
5 officer has stopped a person for temporary questioning pursuant to under s. 968.24  
6 968.555 and reasonably suspects that ~~he or she~~ the law enforcement officer or  
7 another individual is in danger of physical injury, the law enforcement officer may  
8 search such the person for weapons or any instrument ~~or~~, article, or substance  
9 readily capable of causing physical injury and of a sort not ordinarily carried in public  
10 places by law abiding persons. If the law enforcement officer finds such a weapon  
11 or instrument, or any other property possession of which the law enforcement officer  
12 reasonably believes may constitute the commission of a crime, or which may  
13 constitute a threat to ~~his or her~~ the safety of the law enforcement officer, the law  
14 enforcement officer may take it and keep it until the completion of the questioning,  
15 at which time the law enforcement officer shall either return it, if lawfully possessed,  
16 or arrest the person so questioned.

17           **SECTION 470.** 968.255 (title) of the statutes is renumbered 968.585 (title).

18           **SECTION 471.** 968.255 (1) of the statutes, as affected by 2015 Wisconsin Act 149,  
19 is renumbered 968.585 (1), and 968.585 (1) (a) 3., as renumbered, is amended to read:

20           968.585 (1) (a) 3. A person taken into custody under s. 938.19 and there are  
21 reasonable grounds to believe the juvenile has committed an act which if committed  
22 by an adult would be covered a misdemeanor under subd. ~~1. or 2.~~ or a felony.

23           **SECTION 472.** 968.255 (2) (intro.) of the statutes is renumbered 968.585 (2)  
24 (intro.).

1           **SECTION 473.** 968.255 (2) (ag), (am), (ar), (b), (c), (d) and (e) of the statutes are  
2           renumbered 968.585 (2) (ag), (am), (ar), (b), (c), (d) and (e), and 968.585 (2) (b), (d) and  
3           (e), as renumbered, are amended to read:

4           968.585 (2) (b) The detainee is not exposed to the view of any person whose  
5           presence is not reasonably needed for conducting the search.

6           (d) A person conducting the search has obtained the prior written ~~permission~~  
7           authorization of the chief, or sheriff ~~or law enforcement administrator~~ of the  
8           jurisdiction where the person is detained, or his or her designee, unless there is  
9           probable cause to believe that the detainee is concealing a weapon.

10          (e) ~~A~~ The person conducting the search prepares a report identifying the  
11          person detained, all persons conducting the search, the time, date, and place of the  
12          search, and the written authorization required by par. (d), and provides a copy of the  
13          report to the detainee.

14          **SECTION 474.** 968.255 (3) of the statutes is renumbered 968.585 (3) and  
15          amended to read:

16          968.585 (3) No person other than a physician, physician assistant, or  
17          registered nurse licensed to practice in this state may conduct a body cavity search.

18          **SECTION 475.** 968.255 (4) of the statutes is renumbered 946.77 and amended  
19          to read:

20          **946.77 Improper search of a detained person.** ~~A person who~~ Whoever  
21          intentionally violates this section may be fined not more than \$1,000 or imprisoned  
22          ~~not more than 90 days or both~~ s. 968.585 is guilty of a Class B misdemeanor.

23          **SECTION 476.** 968.255 (5) of the statutes is renumbered 968.585 (5).

24          **SECTION 477.** 968.255 (6) of the statutes is renumbered 968.585 (6) and  
25          amended to read:

1           968.585 (6) Each law enforcement agency, as defined in s. 165.83 (1) (b), and  
2 each facility where a strip search may be conducted pursuant to this section, shall  
3 establish written policies and procedures concerning strip searches ~~which at least~~  
4 that, at a minimum, meet the ~~minimum~~ requirements of this section and shall  
5 provide annual training regarding the policies and procedures to any employee or  
6 agent of the agency or facility who may conduct a strip search.

7           **SECTION 478.** 968.255 (7) of the statutes is renumbered 968.585 (7) and  
8 amended to read:

9           968.585 (7) This section does not apply to a search of any person who meets any  
10 of the following criteria:

11           (a) Is The person is serving a sentence, pursuant to a conviction, in a jail, state  
12 prison, or house of correction.

13           (b) Is The person is placed in or transferred to a juvenile correctional facility,  
14 as defined in s. 938.02 (10p), or a secured residential care center for children and  
15 youth, as defined in s. 938.02 (15g).

16           (c) Is The person is committed, transferred, or admitted under ch. 51, 971 or  
17 975.

18           (d) Is The person is confined as a condition of probation under s. 973.09 (4).

19           **SECTION 479.** 968.256 of the statutes is renumbered 968.59 and amended to  
20 read:

21           **968.59 Search of ~~physically disabled person~~ persons with a physical**  
22 **disability.** (1) In this section, ~~“physically disabled~~ “person with a physical  
23 disability” means a person who requires an assistive device for mobility, including,  
24 but not limited to, a wheelchair, brace, crutch, or artificial limb.

1           (2) A search of a ~~physically disabled person~~ with a physical disability shall be  
2 conducted in a careful manner. If a search of a ~~physically disabled person~~ with a  
3 physical disability requires the removal of an assistive device or involves a person  
4 lacking sensation in some portion of his or her body, the search shall be conducted  
5 with extreme care by a person who has had training in handling ~~physically disabled~~  
6 persons with a physical disability.

7           **SECTION 480.** 968.26 of the statutes, as affected by 2015 Wisconsin Act 64, is  
8 renumbered 968.105, and 968.105 (3) (d) and (4) (c), as renumbered, are amended to  
9 read:

10           968.105 (3) (d) A court, on the motion of a district attorney, may compel a person  
11 to testify or produce evidence under s. ~~972.08~~ 967.17 (1). The person is immune from  
12 prosecution as provided in s. ~~972.08~~ 967.17 (1), subject to the restrictions under s.  
13 ~~972.085~~ 967.18.

14           (4) (c) If a criminal complaint is filed following a proceeding in which the judge  
15 entered a secrecy order, the order is terminated at the initial appearance and s.  
16 ~~971.23~~ 971.43 governs disclosure of information from a proceeding under this  
17 section.

18           **SECTION 481.** 968.265 of the statutes is renumbered 968.595.

19           **SECTION 482.** 968.27 (intro.) of the statutes is renumbered 968.305 (intro.) and  
20 amended to read:

21           **968.305 Definitions.** (intro.) In ~~ss. 968.28 to 968.375~~ this subchapter:

22           **SECTION 483.** 968.27 (1) of the statutes is renumbered 968.305 (1) and amended  
23 to read:

1           968.305 (1) “Aggrieved person” means a person who was a party to any  
2 intercepted wire, electronic, or oral communication or a person against whom the  
3 interception was directed.

4           **SECTION 484.** 968.27 (2) of the statutes is renumbered 968.305 (2).

5           **SECTION 485.** 968.27 (3) of the statutes is renumbered 968.305 (3) and amended  
6 to read:

7           968.305 (3) “Contents” when used with respect to any wire, electronic, or oral  
8 communication, includes any information concerning the substance, purport, or  
9 meaning of that communication.

10          **SECTION 486.** 968.27 (4) of the statutes is renumbered 968.305 (4), and 968.305  
11 (4) (intro.), as renumbered, is amended to read:

12          968.305 (4) (intro.) “Electronic communication” means any transfer of signs,  
13 signals, writing, images, sounds, data, or intelligence of any nature wholly or  
14 partially transmitted by a wire, radio, electromagnetic, photoelectronic, or  
15 photooptical system. “Electronic communication” does not include any of the  
16 following:

17          **SECTION 487.** 968.27 (5) of the statutes is renumbered 968.305 (5).

18          **SECTION 488.** 968.27 (6) of the statutes is renumbered 968.305 (6) and amended  
19 to read:

20          968.305 (6) “Electronic communications system” means any wire, radio,  
21 electromagnetic, photooptical, or photoelectronic facilities for the transmission of  
22 electronic communications, and any computer facilities or related electronic  
23 equipment for the electronic storage of those communications.

24          **SECTION 489.** 968.27 (7) of the statutes is renumbered 968.305 (7), and 968.305  
25 (7) (intro.) and (a) (intro.) and 1., as renumbered, are amended to read:

1           968.305 (7) (intro.) “Electronic, mechanical, or other device” means any device  
2           or apparatus which can be used to intercept a wire, electronic, or oral communication  
3           other than one of the following:

4           (a) (intro.) Any telephone or telegraph instrument, equipment, or facilities, or  
5           any component thereof, which is of a telephone or telegraph instrument, equipment,  
6           or facilities, that is any of the following:

7           1. Furnished to the subscriber or user by a provider of electronic or wire  
8           communication service in the ordinary course of its business and being used by the  
9           subscriber or user in the ordinary course of its business or furnished by the  
10          subscriber or user for connection to the facilities of the service and used in the  
11          ordinary course of its business; ~~or.~~

12          **SECTION 490.** 968.27 (8) of the statutes is renumbered 968.305 (8).

13          **SECTION 491.** 968.27 (9) of the statutes is renumbered 968.305 (9) and amended  
14          to read:

15          968.305 (9) “Intercept” means the aural or other acquisition of the contents of  
16          any wire, electronic, or oral communication through the use of any electronic,  
17          mechanical, or other device.

18          **SECTION 492.** 968.27 (10) of the statutes is renumbered 968.305 (10).

19          **SECTION 493.** 968.27 (11) of the statutes is renumbered 968.305 (11) and  
20          amended to read:

21          968.305 (11) “Judge” means the judge sitting at the time an application is made  
22          under s. ~~968.30~~ 968.335 or his or her successor.

23          **SECTION 494.** 968.27 (12) and (13) of the statutes are renumbered 968.305 (12)  
24          and (13).

25          **SECTION 495.** 968.27 (14) of the statutes is renumbered 968.305 (14).

1           **SECTION 496.** 968.27 (14g) of the statutes is renumbered 968.305 (14g).

2           **SECTION 497.** 968.27 (15) of the statutes is renumbered 968.305 (15).

3           **SECTION 498.** 968.27 (16) (intro.), (a) and (b) of the statutes are consolidated,  
4 renumbered 968.305 (16) and amended to read:

5           968.305 (16) “User” means any person ~~who or entity~~ that: ~~(a) Uses~~ uses an  
6 electronic communication service; and ~~(b) Is duly~~ is authorized by the provider of the  
7 service to engage in that use.

8           **SECTION 499.** 968.27 (17) of the statutes is renumbered 968.305 (17).

9           **SECTION 500.** 968.28 of the statutes is renumbered 968.315 and amended to  
10 read:

11           **968.315 Application for court order to intercept communications.** The  
12 attorney general together with the district attorney of any county may approve a  
13 request of an investigative or law enforcement officer to apply to the chief judge of  
14 the judicial administrative district for the county where the interception is to take  
15 place for an order authorizing or approving the interception of wire, electronic, or  
16 oral communications. The chief judge may under s. ~~968.30~~ 968.335 grant an order  
17 authorizing or approving the interception of wire, electronic, or oral communications  
18 by investigative or law enforcement officers having responsibility for the  
19 investigation of the offense for which the application is made. The authorization  
20 shall be permitted only if the interception may provide or has provided evidence of  
21 the commission of the offense of homicide, felony murder, kidnapping, commercial  
22 gambling, bribery, extortion, dealing in controlled substances or controlled  
23 substance analogs, a computer crime that is a felony under s. 943.70, sexual  
24 exploitation of a child under s. 948.05, trafficking of a child under s. 948.051, child  
25 enticement under s. 948.07, use of a computer to facilitate a child sex crime under

1 s. 948.075, or soliciting a child for prostitution under s. 948.08, or any conspiracy to  
2 commit any of the foregoing offenses.

3 **SECTION 501.** 968.29 of the statutes is renumbered 968.325 and amended to  
4 read:

5 **968.325 Authorization for disclosure and use of intercepted wire,**  
6 **electronic, or oral communications.** (1) Any investigative or law enforcement  
7 officer who, by any means authorized by ss. ~~968.28~~ 968.315 to ~~968.37~~ 968.405 or 18  
8 USC 2510 to 2520, has obtained knowledge of the contents of any wire, electronic,  
9 or oral communication, or evidence derived therefrom, may disclose the contents to  
10 another investigative or law enforcement officer only to the extent that the disclosure  
11 is appropriate to the proper performance of the official duties of the officer making  
12 or receiving the disclosure.

13 (2) Any investigative or law enforcement officer who, by any means authorized  
14 by ss. ~~968.28~~ 968.315 to ~~968.37~~ 968.405 or 18 USC 2510 to 2520, has obtained  
15 knowledge of the contents of any wire, electronic, or oral communication or evidence  
16 derived therefrom may use the contents only to the extent the use is appropriate to  
17 the proper performance of the officer's official duties.

18 (3) (a) Any person who has received, by any means authorized by ss. ~~968.28~~  
19 968.315 to ~~968.37~~ 968.405 or 18 USC 2510 to 2520 or by a like statute of any other  
20 state, any information concerning a wire, electronic, or oral communication or  
21 evidence derived therefrom intercepted in accordance with ss. ~~968.28~~ 968.315 to  
22 ~~968.37~~ 968.405, may disclose the contents of that communication or that derivative  
23 evidence only while giving testimony under oath or affirmation in any proceeding in  
24 any court or before any magistrate or grand jury in this state, or in any court of the  
25 United States or of any state, or in any federal or state grand jury proceeding.

1 (b) In addition to the disclosure provisions of par. (a), any person who has  
2 received, in the manner described under s. ~~968.31~~ 968.345 (2) (b), any information  
3 concerning a wire, electronic, or oral communication or evidence derived therefrom,  
4 may disclose the contents of that communication or that derivative evidence while  
5 giving testimony under oath or affirmation in any proceeding described in par. (a) in  
6 which a person is accused of any act constituting a felony, and only if the party who  
7 consented to the interception is available to testify at the proceeding or if another  
8 witness is available to authenticate the recording.

9 (4) No otherwise privileged wire, electronic, or oral communication intercepted  
10 in accordance with, or in violation of, ss. ~~968.28~~ 968.315 to ~~968.37~~ 968.405 or 18 USC  
11 2510 to 2520, may lose its privileged character.

12 (5) When an investigative or law enforcement officer, while engaged in  
13 intercepting wire, electronic, or oral communications in the manner authorized,  
14 intercepts wire, electronic, or oral communications relating to offenses other than  
15 those specified in the order of authorization or approval, the contents thereof, and  
16 evidence derived therefrom, may be disclosed or used as provided in subs. (1) and (2).  
17 The contents and any evidence derived therefrom may be used under sub. (3) when  
18 authorized or approved by the judge who acted on the original application where the  
19 judge finds on subsequent application, made as soon as practicable but no later than  
20 48 hours, that the contents were otherwise intercepted in accordance with ss. ~~968.28~~  
21 968.315 to ~~968.37~~ 968.405 or 18 USC 2510 to 2520 or by a like statute.

22 **SECTION 502.** 968.30 of the statutes is renumbered 968.335, and 968.335 (title),  
23 (1) (intro.), (b) (intro.), 1., 2. and 3. and (e), (3) (intro.), (a) and (d), (4) (intro.), (a), (b),  
24 (c) and (d), (5), (6), (7) (a) and (b), (8), (9) and (10), as renumbered, are amended to  
25 read:

1           **968.335** (title) **Procedure for interception of wire, electronic, or oral**  
2 **communications.** (1) (intro.) Each application for an order authorizing or  
3 approving the interception of a wire, electronic, or oral communication shall be made  
4 in writing upon oath or affirmation to the court and shall state the applicant's  
5 authority to make the application and may be upon personal knowledge or  
6 information and belief. Each application shall include the following information:

7           (b) (intro.) A full and complete statement of the facts and circumstances relied  
8 upon by the applicant, to justify the applicant's belief that an order should be issued,  
9 including all of the following:

10           1. Details of the particular offense that has been, is being, or is about to be  
11 committed;

12           2. A particular description of the nature and location of the facilities from which  
13 or the place where the communication is to be intercepted;

14           3. A particular description of the type of communications sought to be  
15 intercepted; and

16           (e) A full and complete statement of the facts concerning all previous  
17 applications known to the individual authorizing and making the application, made  
18 to any court for authorization to intercept, or for approval of interceptions of, wire,  
19 electronic, or oral communications involving any of the same persons, facilities, or  
20 places specified in the application, and the action taken by the court on each such  
21 application; and

22           (3) (intro.) Upon the application the court may enter an ex parte order, as  
23 requested or as modified, authorizing or approving interception of wire, electronic,  
24 or oral communications, if the court determines on the basis of the facts submitted  
25 by the applicant that all of the following exist:

1 (a) There is probable cause for belief that an individual is committing, has  
2 committed, or is about to commit a particular offense enumerated in s. 968.28  
3 968.315.

4 (d) There is probable cause for belief that the facilities from which, or the place  
5 where, the wire, electronic, or oral communications are to be intercepted are being  
6 used, or are about to be used, in connection with the commission of the offense, or are  
7 leased to, listed in the name of, or commonly used by the person.

8 (4) (intro.) Each order authorizing or approving the interception of any wire,  
9 electronic, or oral communication shall specify all of the following:

10 (a) The identity of the person, if known, whose communications are to be  
11 intercepted;

12 (b) The nature and location of the communications facilities which, or the place  
13 where authority to intercept is granted and the means by which such interceptions  
14 shall be made;

15 (c) A particular description of the type of communication sought to be  
16 intercepted and a statement of the particular offense to which it relates;

17 (d) The identity of the agency authorized to intercept the communications and  
18 of the person authorizing the application; ~~and~~.

19 (5) No order entered under this section may authorize or approve the  
20 interception of any wire, electronic, or oral communication for any period longer than  
21 is necessary to achieve the objective of the authorization, nor in any event longer  
22 than 30 days. The 30-day period begins on the earlier of the day on which the  
23 investigative or law enforcement officer first begins to conduct an interception under  
24 the order or 10 days after the order is entered. Extensions of an order may be  
25 granted, but only upon application for an extension made in accordance with sub. (1)

1 and the court making the findings required by sub. (3). The period of extension shall  
2 be no longer than the authorizing judge deems necessary to achieve the purposes for  
3 which it was granted and in no event be for longer than 30 days. Every order and  
4 extension thereof shall contain a provision that the authorization to intercept shall  
5 be executed as soon as practicable, shall be conducted in such a way as to minimize  
6 the interception of communications not otherwise subject to interception under this  
7 chapter, and must terminate upon attainment of the authorized objective, or in any  
8 event in 30 days. In the event the intercepted communication is in a code or foreign  
9 language, and an expert in that foreign language or code is not reasonably available  
10 during the interception period, minimization may be accomplished as soon as  
11 practicable after the interception.

12 (6) Whenever an order authorizing interception is entered pursuant to ss.  
13 ~~968.28~~ 968.315 to ~~968.33~~ 968.365, the order may require reports to be made to the  
14 court which issued the order showing what progress has been made toward  
15 achievement of the authorized objective and the need for continued interception.  
16 Such reports shall be made at such intervals as the court requires.

17 (7) (a) The contents of any wire, electronic, or oral communication intercepted  
18 by any means authorized by ss. ~~968.28~~ 968.315 to ~~968.37~~ 968.405 shall, if possible,  
19 be recorded on tape or wire or other comparable device. The recording of the contents  
20 of any wire, electronic, or oral communication under this subsection shall be done in  
21 such way as will protect the recording from editing or other alterations. Immediately  
22 upon the expiration of the period of the order or extensions thereof all such  
23 recordings and records of an intercepted wire, electronic, or oral communication  
24 shall be filed with the court issuing the order and the court shall order the same to  
25 be sealed. Custody of the recordings and records shall be wherever the judge

1 handling the application shall order. They shall not be destroyed except upon an  
2 order of the issuing or denying judge and in any event shall be properly kept and  
3 preserved for 10 years. Duplicate recordings and other records may be made for use  
4 or disclosure pursuant to the provisions for investigations under s. ~~968.29~~ 968.325  
5 (1) and (2). The presence of the seal provided for by this subsection, or a satisfactory  
6 explanation for the absence thereof, shall be a prerequisite for the use or disclosure  
7 of the contents of any wire, electronic, or oral communication or evidence derived  
8 therefrom under s. ~~968.29~~ 968.325 (3).

9 (b) Applications made and orders granted under ss. ~~968.28~~ 968.315 to ~~968.33~~  
10 968.365 together with all other papers and records in connection therewith shall be  
11 ordered sealed by the court. Custody of the applications, orders, and other papers  
12 and records shall be wherever the judge shall order. Such applications and orders  
13 shall be disclosed only upon a showing of good cause before the judge and shall not  
14 be destroyed except on order of the issuing or denying judge, and in any event shall  
15 be kept for 10 years.

16 (8) The contents of any intercepted wire, electronic, or oral communication or  
17 evidence derived therefrom shall not be received in evidence or otherwise disclosed  
18 in any trial, hearing, or other proceeding in any court of this state unless each party,  
19 not less than 10 days before the trial, hearing, or proceeding, has been furnished with  
20 a copy of the court order, and accompanying application, under which the  
21 interception was authorized or approved. This 10-day period may be waived by the  
22 judge if he or she finds that it was not possible to furnish the party with the above  
23 information 10 days before the trial, hearing, or proceeding and that the party will  
24 not be prejudiced by the delay in receiving the information.

1           **(9)** (a) Any aggrieved person in any trial, hearing, or proceeding in or before  
2 any court, department, officer, agency, regulatory body, or other authority of this  
3 state, or a political subdivision thereof, may move before the trial court or the court  
4 granting the original warrant to suppress the contents of any intercepted wire,  
5 electronic, or oral communication, or evidence derived therefrom, on the grounds  
6 that the communication was unlawfully intercepted; the order of authorization or  
7 approval under which it was intercepted is insufficient on its face; or the interception  
8 was not made in conformity with the order of authorization or approval. The motion  
9 shall be made before the trial, hearing, or proceeding unless there was no  
10 opportunity to make the motion or the person was not aware of the grounds of the  
11 motion. If the motion is granted, the contents of the intercepted wire, electronic, or  
12 oral communication, or evidence derived therefrom, shall be treated as having been  
13 obtained in violation of ss. ~~968.28~~ 968.315 to ~~968.37~~ 968.405. The judge may, upon  
14 the filing of the motion by the aggrieved person, make available to the aggrieved  
15 person or his or her counsel for inspection such portions of the intercepted  
16 communication or evidence derived therefrom as the judge determines to be in the  
17 interest of justice.

18           (b) In addition to any other right to appeal, the state shall have the right to  
19 appeal from any of the following:

20           1. ~~From an~~ An order granting a motion to suppress made under par. (a) if the  
21 attorney general or district attorney certifies to the judge or other official granting  
22 such motion that the appeal is not entered for purposes of delay and shall be  
23 diligently prosecuted as in the case of other interlocutory appeals or under such rules  
24 as the supreme court adopts; ~~or,~~



1 (c) Discloses, or attempts to disclose, to any other person the contents of any  
2 wire, electronic, or oral communication, knowing or having reason to know that the  
3 information was obtained through the interception of a wire, electronic, or oral  
4 communication in violation of this ~~section~~ subsection or under circumstances  
5 constituting violation of this ~~section~~ subsection.

6 (d) Uses, or attempts to use, the contents of any wire, electronic, or oral  
7 communication, knowing or having reason to know that the information was  
8 obtained through the interception of a wire, electronic, or oral communication in  
9 violation of this ~~section~~ subsection or under circumstances constituting violation of  
10 this ~~section~~ subsection.

11 (e) Intentionally discloses the contents of any oral, electronic, or wire  
12 communication obtained by authority of ss. ~~968.28, 968.29~~ 968.315, 968.325, and  
13 ~~968.30~~ 968.335, except as therein provided.

14 (f) Intentionally alters any wire, electronic, or oral communication intercepted  
15 on tape, wire, or other device.

16 **(2)** (intro.) It is not unlawful under ss. ~~968.28~~ 968.315 to ~~968.37~~ 968.405:

17 (a) For an operator of a switchboard, or an officer, employee, or agent of any  
18 provider of a wire or electronic communication service, whose facilities are used in  
19 the transmission of a wire or electronic communication to intercept, disclose, or use  
20 that communication in the normal course of his or her employment while engaged  
21 in any activity which is a necessary incident to the rendition of his or her service or  
22 to the protection of the rights or property of the provider of that service, except that  
23 a provider of a wire or electronic communication service shall not utilize service  
24 observing or random monitoring except for mechanical or service quality control  
25 checks.

1 (b) For a person acting under color of law to intercept a wire, electronic, or oral  
2 communication, where the person is a party to the communication or one of the  
3 parties to the communication has given prior consent to the interception.

4 (c) For a person not acting under color of law to intercept a wire, electronic, or  
5 oral communication where the person is a party to the communication or where one  
6 of the parties to the communication has given prior consent to the interception unless  
7 the communication is intercepted for the purpose of committing any criminal or  
8 tortious act in violation of the constitution or laws of the United States or of any state  
9 or for the purpose of committing any other injurious act.

10 (e) For any person to intercept any radio communication that is transmitted  
11 by any of the following:

12 1. ~~By any~~ Any station for the use of the general public, or that relates to ships,  
13 aircraft, vehicles, or persons in distress;

14 2. ~~By any~~ Any governmental, law enforcement, civil defense, private land  
15 mobile, or public safety communications system, including police and fire, readily  
16 accessible to the general public;

17 3. ~~By a~~ A station operating on an authorized frequency within the bands  
18 allocated to the amateur, citizens band, or general mobile radio services;

19 4. ~~By any~~ Any marine or aeronautical communications system.

20 (f) For any person to engage in any conduct that is any of the following:

21 1. ~~Is prohibited~~ Prohibited by section 633 of the communications act of 1934;  
22 ~~or,~~

23 2. ~~Is excepted~~ Excepted from the application of section 705 (a) of the  
24 communications act of 1934 by section 705 (b) of that act.

1 (i) To use a pen register or a trap and trace device as authorized under ss. ~~968.34~~  
2 968.376 to 968.37; or 968.405.

3 (j) For a provider of electronic communication service to record the fact that a  
4 wire or electronic communication was initiated or completed in order to protect the  
5 provider, another provider furnishing service toward the completion of the wire or  
6 electronic communication, or a user of that service, from fraudulent, unlawful, or  
7 abusive use of the service.

8 **(2m)** (intro.) Any person whose wire, electronic, or oral communication is  
9 intercepted, disclosed, or used in violation of ss. ~~968.28~~ 968.315 to 968.37 968.405  
10 shall have a civil cause of action against any person who intercepts, discloses, or uses,  
11 or procures any other person to intercept, disclose, or use, the communication, and  
12 shall be entitled to recover from any such person all of the following:

13 (a) Actual damages, but not less than liquidated damages computed at the rate  
14 of \$100 a day for each day of violation or \$1,000, whichever is higher;

15 (b) Punitive damages; and

16 **(3)** Good faith reliance on a court order or on s. ~~968.30~~ 968.335 (7) shall  
17 constitute a complete defense to any civil or criminal action brought under ss. ~~968.28~~  
18 968.315 to 968.37 968.405.

19 **SECTION 505.** 968.32 of the statutes is renumbered 968.355 and amended to  
20 read:

21 **968.355 Forfeiture of contraband devices.** Any electronic, mechanical, or  
22 other intercepting device used in violation of s. ~~968.31~~ 968.345 (1) may be seized as  
23 contraband by any peace officer and forfeited to this state in an action by the  
24 department of justice under ch. 778.

25 **SECTION 506.** 968.33 of the statutes is renumbered 968.365.

1           **SECTION 507.** 968.34 of the statutes is renumbered 968.376, and 968.376 (1)  
2 and (2), as renumbered, are amended to read:

3           968.376 (1) Except as provided in this section, no person may install or use a  
4 pen register or a trap and trace device without first obtaining a court order under s.  
5 ~~968.36~~ 968.395 or 18 USC 3123 or 50 USC 1801 to 1811.

6           (2) The prohibition of sub. (1) does not apply with respect to the use of a pen  
7 register or a trap and trace device by a provider of electronic or wire communication  
8 service if any of the following applies:

9           (a) ~~Relating~~ The use relates to the operation, maintenance, and testing of a wire  
10 or electronic communication service or to the protection of the rights or property of  
11 the provider, or to the protection of users of that service from abuse of service or  
12 unlawful use of service;

13           (b) ~~To~~ The use is to record the fact that a wire or electronic communication was  
14 initiated or completed in order to protect the provider, another provider furnishing  
15 service toward the completion of the wire communication, or a user of that service,  
16 from fraudulent, unlawful, or abusive use of service; ~~or.~~

17           (c) ~~Where the~~ The consent of the user of that service has been obtained.

18           **SECTION 508.** 968.35 of the statutes is renumbered 968.385, and 968.385 (1),  
19 as renumbered, is amended to read:

20           968.385 (1) The attorney general or a district attorney may make application  
21 for an order or an extension of an order under s. ~~968.36~~ 968.395 authorizing or  
22 approving the installation and use of a pen register or a trap and trace device, in  
23 writing under oath or equivalent affirmation, to a ~~circuit~~ court for the county where  
24 the device is to be located.

1           **SECTION 509.** 968.36 of the statutes is renumbered 968.395, and 968.395 (1),  
2           (2) (e), (4) and (5), as renumbered, are amended to read:

3           968.395 (1) Upon an application made under s. ~~968.35~~ 968.385, the court shall  
4           enter an ex parte order authorizing the installation and use of a pen register or a trap  
5           and trace device within the jurisdiction of the court if the court finds that the  
6           applicant has certified to the court that the information likely to be obtained by the  
7           installation and use is relevant to an ongoing criminal investigation.

8           (2) (e) Direct, upon the request of the applicant, the furnishing of information,  
9           facilities and technical assistance necessary to accomplish the installation of the pen  
10          register or trap and trace device under s. ~~968.37~~ 968.405.

11          (4) Extensions of the order may be granted, but only upon an application for  
12          an order under s. ~~968.35~~ 968.385 and upon the judicial finding required by sub. (1).  
13          The period of extension shall be for a period not to exceed 60 days.

14          (5) An order authorizing or approving the installation and use of a pen register  
15          or a trap and trace device shall direct that all of the following:

16          (a) ~~The~~ That the order be sealed until otherwise ordered by the court; ~~and,~~

17          (b) ~~The~~ That the person owning or leasing the line to which the pen register or  
18          a trap and trace device is attached, or who has been ordered by the court to provide  
19          assistance to the applicant, not disclose the existence of the pen register or trap and  
20          trace device or the existence of the investigation to the listed subscriber, or to any  
21          other person, unless or until otherwise ordered by the court.

22          **SECTION 510.** 968.37 of the statutes is renumbered 968.405, and 968.405 (1),  
23          (2), (3), (4) and (5), as renumbered, are amended to read:

24          968.405 (1) Upon the request of the attorney general, a district attorney, or an  
25          officer of a law enforcement agency authorized to install and use a pen register under

1 ss. ~~968.28~~ 968.315 to ~~968.37~~ 968.405, a provider of wire or electronic communication  
2 service, landlord, custodian, or other person shall furnish the investigative or law  
3 enforcement officer forthwith all information, facilities, and technical assistance  
4 necessary to accomplish the installation of the pen register unobtrusively and with  
5 a minimum of interference with the services that the person so ordered by the court  
6 accords the party with respect to whom the installation and use is to take place, if  
7 the assistance is directed by a court order under s. ~~968.36~~ 968.395 (5) (b).

8 (2) Upon the request of the attorney general, a district attorney, or an officer  
9 of a law enforcement agency authorized to receive the results of a trap and trace  
10 device under ss. ~~968.28~~ 968.315 to ~~968.37~~ 968.405, a provider of a wire or electronic  
11 communication service, landlord, custodian, or other person shall install the device  
12 forthwith immediately on the appropriate line and shall furnish the investigative or  
13 law enforcement officer all additional information, facilities, and technical  
14 assistance including installation and operation of the device unobtrusively and with  
15 a minimum of interference with the services that the person so ordered by the court  
16 accords the party with respect to whom the installation and use is to take place, if  
17 the installation and assistance is directed by a court order under s. ~~968.36~~ 968.395  
18 (5) (b). Unless otherwise ordered by the court, the results of the trap and trace device  
19 shall be furnished to the officer of a law enforcement agency, designated by the court,  
20 at reasonable intervals during regular business hours for the duration of the order.

21 (3) A provider of a wire or electronic communication service, landlord,  
22 custodian, or other person who furnishes facilities or technical assistance under this  
23 section shall be reasonably compensated for the reasonable expenses incurred in  
24 providing the facilities and assistance.

1           **(4)** No cause of action may lie in any court against any provider of a wire or  
2           electronic communication service, its officers, employees, or agents or other specified  
3           persons for providing information, facilities, or assistance in accordance with the  
4           terms of a court order under s. ~~968.36~~ 968.395.

5           **(5)** A good faith reliance on a court order, a legislative authorization, or a  
6           statutory authorization is a complete defense against any civil or criminal action  
7           brought under ss. ~~968.28~~ 968.315 to ~~968.37~~ 968.405.

8           **SECTION 511.** 968.373 of the statutes is renumbered 968.410.

9           **SECTION 512.** 968.375 (4) of the statutes is amended to read:

10          968.375 **(4)** BASIS, APPLICATION FOR, AND ISSUANCE OF SUBPOENA OR WARRANT.

11          Section ~~968.12~~ 968.465 (2) and (3) applies to the basis and application for, and  
12          issuance of, a subpoena under sub. (2) or a warrant under sub. (3) as it applies to the  
13          basis and application for, and issuance of, a search warrant under s. ~~968.12~~ 968.465.

14          **SECTION 513.** 968.38 of the statutes is renumbered 968.725, and 968.725 (2)  
15          (intro.), (2m) (intro.), (3) (d), (4) (intro.) and (5) (intro.), as renumbered, are amended  
16          to read:

17          968.725 **(2)** (intro.) In a criminal action under s. 940.225, 948.02, 948.025,  
18          948.05, 948.06, 948.085, or 948.095, if all of the following apply, the district attorney  
19          shall apply to the circuit court for his or her county to order the defendant to submit  
20          to an HIV test and to a test or a series of tests to detect the presence of a sexually  
21          transmitted disease, each of which tests shall be administered by a health care  
22          professional, and to disclose the results of the test or tests as specified in sub. (4) (a)  
23          to (c):

24          **(2m)** (intro.) In a criminal action under s. 946.43 (2m), the district attorney  
25          shall apply to the circuit court for his or her county for an order requiring the

1 defendant to submit to a test or a series of tests administered by a health care  
2 professional to detect the presence of communicable diseases and to disclose the  
3 results of the test or tests as specified in sub. (5) (a) to (c), if all of the following apply:

4 **(3)** (d) If the court has determined that the defendant is not competent to  
5 proceed under s. ~~971.14~~ 971.81 (4) and suspended the criminal proceedings, at any  
6 time after the determination that the defendant is not competent to proceed.

7 **(4)** (intro.) The court shall set a time for a hearing on the matter under sub. (2)  
8 during the preliminary examination, if sub. (3) (a) applies; after the defendant is  
9 bound over for trial and before a verdict is rendered, if sub. (3) (b) applies; after  
10 conviction or a finding of not guilty by reason of mental disease or defect, if sub. (3)  
11 (c) applies; or, subject to s. ~~971.13~~ 971.80 (4), after the determination that the  
12 defendant is not competent, if sub. (3) (d) applies. The court shall give the district  
13 attorney and the defendant notice of the hearing at least 72 hours prior to the  
14 hearing. The defendant may have counsel at the hearing, and counsel may examine  
15 and cross-examine witnesses. If the court finds probable cause to believe that the  
16 victim or alleged victim has had contact with body fluid of the defendant that  
17 constitutes a significant exposure, the court shall order the defendant to submit to  
18 an HIV test and to a test or a series of tests to detect the presence of a sexually  
19 transmitted disease. The test shall be performed by a health care professional. The  
20 court shall require the health care professional who performs the test to disclose the  
21 test results to the defendant, to refrain from making the test results part of the  
22 defendant's permanent medical record, and to disclose the results of the test to any  
23 of the following:

24 **(5)** (intro.) The court shall set a time for a hearing on the matter under sub. (2m)  
25 during the preliminary examination, if sub. (3) (a) applies; after the defendant is

1 bound over for trial and before a verdict is rendered, if sub. (3) (b) applies; after  
2 conviction or a finding of not guilty by reason of mental disease or defect, if sub. (3)  
3 (c) applies; or, subject to s. ~~971.13~~ 971.80 (4), after the determination that the  
4 defendant is not competent, if sub. (3) (d) applies. The court shall give the district  
5 attorney and the defendant notice of the hearing at least 72 hours prior to the  
6 hearing. The defendant may have counsel at the hearing, and counsel may examine  
7 and cross-examine witnesses. If the court finds probable cause to believe that the  
8 act or alleged act of the defendant that constitutes a violation of s. 946.43 (2m) carried  
9 a potential for transmitting a communicable disease to the victim or alleged victim  
10 and involved the defendant's blood, semen, vomit, saliva, urine or feces or other  
11 bodily substance of the defendant, the court shall order the defendant to submit to  
12 a test or a series of tests administered by a health care professional to detect the  
13 presence of any communicable disease that was potentially transmitted by the act  
14 or alleged act of the defendant. The court shall require the health care professional  
15 who performs the test to disclose the test results to the defendant. The court shall  
16 require the health care professional who performs the test to refrain from making the  
17 test results part of the defendant's permanent medical record and to disclose the  
18 results of the test to any of the following:

19 **SECTION 514.** 968.40 (title) of the statutes is renumbered 968.155 (title) and  
20 amended to read:

21 **968.155 (title) Grand Convening a grand jury; duration.**

22 **SECTION 515.** 968.40 (1) of the statutes is renumbered 968.155 (1) and amended  
23 to read:

24 968.155 (1) SELECTION OF PROSPECTIVE GRAND JURY LIST JURORS. Any judge may,  
25 in writing, order the clerk of ~~circuit court~~ to select compile a grand jury list within

1 a specified reasonable time. The clerk shall select from the prospective juror list for  
2 the county the names of not fewer than ~~75~~ 35 nor more than 150 persons to constitute  
3 the prospective grand juror list. The list shall be kept secret.

4 **SECTION 516.** 968.40 (3) of the statutes is renumbered 968.155 (2) and amended  
5 to read:

6 968.155 (2) EXAMINATION OF PROSPECTIVE GRAND JURORS. ~~At the time set for~~  
7 When the prospective grand jurors ~~to~~ appear, the judge shall and the district  
8 attorney ~~or other prosecuting officer~~ may examine the prospective jurors them under  
9 oath or affirmation relative to their qualifications to serve as grand jurors ~~and the~~.  
10 The judge shall excuse those who are disqualified, and may excuse others for any  
11 reason ~~which~~ that seems proper to the judge.

12 **SECTION 517.** 968.40 (4) of the statutes is renumbered 968.155 (3) and amended  
13 to read:

14 968.155 (3) ADDITIONAL GRAND JURORS. If, after such the examination described  
15 in sub. (2), fewer than 17 grand jurors remain, additional prospective grand jurors  
16 shall be selected, summoned and examined until there are at least 17 qualified grand  
17 jurors on the grand jury.

18 **SECTION 518.** 968.40 (6), (7) and (8) of the statutes are renumbered 968.155 (4),  
19 (5) and (6) and amended to read:

20 968.155 (4) TIME GRAND JURORS TO SERVE. ~~Grand~~ The judge may discharge the  
21 grand jury at any time. Otherwise, grand jurors shall serve for a period of 31  
22 consecutive days unless more days are necessary to complete service in a particular  
23 proceeding. ~~The judge may discharge the grand jury at any time.~~

24 (5) ORDERS FILED WITH CLERK. All orders ~~mentioned in~~ under this section shall  
25 be filed with the clerk ~~of court~~.

1           **(6) INTERCOUNTY RACKETEERING AND CRIME.** When a grand jury is convened  
2 pursuant to under this section to investigate unlawful activity under s. 165.70, and  
3 such the activity involves more than one county, including the county where the  
4 petition for such grand jury is filed, then if the attorney general approves, all  
5 expenses of such proceeding shall be charged to the appropriation under s. 20.455 (1)  
6 (d).

7           **SECTION 519.** 968.41 of the statutes is renumbered 968.165 and amended to  
8 read:

9           **968.165 Oath or affirmation of grand jurors.** Grand jurors shall, before  
10 they begin performanee of their duties, solemnly swear or affirm that they will  
11 diligently inquire as to all matters and things ~~which~~ that come before the grand jury;  
12 that they will keep all matters ~~which~~ that come before the grand jury secret; that they  
13 will indict no person for envy, hatred, or malice; that they will not leave any person  
14 unindicted for love, fear, favor, affection, or hope of reward; and that they will indict  
15 truly, according to the best of their understanding.

16           **SECTION 520.** 968.42 of the statutes is renumbered 968.175 and amended to  
17 read:

18           **968.175 Presiding juror and clerk.** The grand jury shall select from their  
19 number a presiding juror and a clerk. The clerk of the grand jury shall preserve the  
20 minutes of the proceedings before ~~them~~ the grand jury and all exhibits.

21           **SECTION 521.** 968.43 of the statutes is renumbered 968.185 and amended to  
22 read:

23           **968.185 Reporter; oath; salary; assistant.** (1) Every grand jury shall, when  
24 ordered by the judge ordering such the grand jury, employ one or more reporters to

1 attend ~~their~~ its sessions and to ~~make record~~ and transcribe ~~a~~ verbatim ~~record~~ of all  
2 proceedings had before ~~them~~ it.

3 (2) Before assuming the duties under this section, each reporter shall make  
4 and file an oath or affirmation ~~faithfully~~ to record and transcribe faithfully all of the  
5 proceedings before the grand jury and to keep secret the matters ~~relative~~ related to  
6 the proceedings. Each reporter shall be paid out of the county treasury of the county  
7 in which the service is rendered ~~such a~~ sum for compensation and expenses as ~~shall~~  
8 be audited and allowed as reasonable by the court ordering the grand jury. Each  
9 reporter may employ on his or her own account a person to transcribe the testimony  
10 and proceedings of the grand jury, but before entering upon the duties under this  
11 subsection, the person shall be required to make and file an oath or affirmation  
12 similar to that required of each reporter.

13 (3) ~~Any~~ Except as provided in s. 968.295, any person who violates an oath or  
14 affirmation required by sub. (2) is guilty of a Class H felony.

15 **SECTION 522.** 968.44 of the statutes is renumbered 968.195 and amended to  
16 read:

17 **968.195 Witnesses Oaths to witnesses.** The presiding juror of every grand  
18 jury and the district attorney ~~or other prosecuting officer~~ who is before the grand jury  
19 may administer all oaths and affirmations in the manner prescribed by law to  
20 witnesses who appear before the grand jury for the purpose of testifying in any  
21 matter of which the witnesses have cognizance. At the request of the court, the  
22 presiding juror shall return to the court a list, under his or her hand, of all witnesses  
23 who are sworn before the grand jury. That list shall be filed by the clerk of ~~circuit~~  
24 court.

1           **SECTION 523.** 968.45 (title) of the statutes is renumbered 968.203 (title) and  
2 amended to read:

3           **968.203** (title) ~~Witness rights~~ **Counsel for witnesses; transcripts.**

4           **SECTION 524.** 968.45 (1) of the statutes is renumbered 968.203 (1) (a) and  
5 amended to read:

6           968.203 (1) (a) Any witness appearing before a grand jury may have counsel  
7 present, but the counsel shall not be allowed to examine his or her client,  
8 cross-examine other witnesses, or argue before the judge. Counsel may consult with  
9 his or her client while before a grand jury. ~~If the prosecuting officer,~~

10           **(b)** ~~A district attorney, an attorney for a witness, or a grand juror~~ who believes  
11 that a conflict of interest exists for an attorney ~~or attorneys~~ to represent more than  
12 one witness before a grand jury, ~~the person so believing~~ may make a motion before  
13 the presiding judge to disqualify the attorney from representing more than one  
14 witness before the grand jury. ~~A~~ The court shall hold a hearing ~~shall be held~~ upon  
15 notice with the burden ~~upon~~ on the moving party to establish the conflict.

16           **SECTION 525.** 968.45 (2) of the statutes is renumbered 968.203 (2) and amended  
17 to read:

18           968.203 (2) No grand jury transcript may be made public until the trial of  
19 anyone a person indicted by the grand jury, and then only that portion of the  
20 transcript that is relevant and material to the case at hand may be made public. This  
21 subsection does not limit the defendant's rights to discovery under s. ~~971.23~~ 971.43.

22           **SECTION 526.** Subchapter V (title) of chapter 968 [precedes 968.455] of the  
23 statutes is created to read:

24

## CHAPTER 968

## 1 SUBCHAPTER V

## 2 SEARCH AND SEIZURE

3 **SECTION 527.** 968.46 of the statutes is renumbered 968.215 and amended to  
4 read:

5 **968.215 Secrecy of motions.** Notwithstanding s. 757.14, all motions,  
6 including but not limited to those for immunity or a privilege, brought by a  
7 ~~prosecuting officer~~ district attorney or witness appearing before a grand jury shall  
8 be made, heard, and decided in complete secrecy and not in open court if the  
9 ~~prosecuting officer or witness~~ person bringing the motion or exercising the immunity  
10 or privilege so requests.

11 **SECTION 528.** Subchapter VI (title) of chapter 968 [precedes 968.465] of the  
12 statutes is created to read:

13 **CHAPTER 968**

## 14 SUBCHAPTER VI

## 15 SEARCH WARRANTS

16 **SECTION 529.** 968.465 (5) of the statutes is created to read:

17 968.465 (5) SEALED WARRANT. A judge may order that a search warrant and  
18 supporting documents be held under seal for a specified period and may extend or  
19 reduce the period for good cause shown. The judge shall make the decision in his or  
20 her discretion, after balancing the reasons for secrecy against the defendant's and  
21 the public's right of access.

22 **SECTION 530.** 968.47 of the statutes is renumbered 968.225 and amended to  
23 read:

24 **968.225 District Duties of district attorney, when to attend.** Whenever  
25 required by the grand jury ~~it shall be the duty of~~, the district attorney of the county

1 ~~to shall attend them grand jury proceedings~~ for the purpose of examining witnesses  
2 in their ~~the presence or of giving them of the grand jury,~~ give the grand jury advice  
3 upon any legal matter, and ~~to~~ issue subpoenas and other process to bring up  
4 witnesses before the grand jury.

5 **SECTION 531.** 968.475 (2) (a) of the statutes is created to read:

6 968.475 (2) (a) Contraband.

7 **SECTION 532.** 968.475 (2) (e) of the statutes is created to read:

8 968.475 (2) (e) A designated person.

9 **SECTION 533.** 968.475 (3) of the statutes is created to read:

10 968.475 (3) Section 968.705 applies to documents to be subpoenaed if the  
11 documents are under the control of a person not reasonably suspected to be  
12 concerned in the commission of a crime.

13 **SECTION 534.** 968.48 of the statutes is renumbered 968.235 and amended to  
14 read:

15 **968.235 Attendance; absence; excuse Grand jury attendance; number**  
16 **required for grand jury session; number required to concur in and**  
17 **indictment.** Each grand juror shall attend every session of the grand jury unless  
18 excused by the presiding juror. The presiding juror may excuse a grand juror from  
19 attending a grand jury session only for a reason which appears to the presiding juror  
20 in his or her discretion as good and sufficient cause for the ~~exeuse juror's absence.~~  
21 No business may be transacted at any session of the grand jury ~~at which less if fewer~~  
22 ~~than 14 members of the grand jury are in attendance,~~ and no ~~indictment may be~~  
23 ~~found by any grand jury may indict~~ unless at least 12 of their number shall grand  
24 jurors concur in the indictment.

25 **SECTION 535.** 968.485 (title) of the statutes is created to read:

1           **968.485 (title) Execution of a search warrant.**

2           **SECTION 536.** 968.49 of the statutes is renumbered 968.245 and amended to  
3 read:

4           **968.245 Fine for nonattendance.** Any person lawfully summoned to attend  
5 as a grand juror who fails to attend without any sufficient excuse shall ~~pay a fine not~~  
6 ~~exceeding~~ be fined not more than \$40, which shall ~~be imposed by~~ the court to which  
7 the person was summoned shall impose and which shall be paid into the county  
8 treasury.

9           **SECTION 537.** 968.50 of the statutes is renumbered 968.252 and amended to  
10 read:

11           **968.252 Report progress and return indictments.** A grand jury may  
12 report progress and return indictments to the court from time to time during its  
13 session ~~and until discharged.~~

14           **SECTION 538.** 968.505 (title) of the statutes is renumbered 968.262 (title).

15           **SECTION 539.** 968.505 of the statutes is renumbered 968.262 (1) and amended  
16 to read:

17           968.262 (1) When the grand jury is discharged, the clerk of the grand jury shall  
18 collect all transcripts of testimony, minutes of proceedings, exhibits, and other  
19 records of the grand jury; and, except as provided in sub. (2), shall deliver them as  
20 the jury directs either to the attorney general or to the district attorney, ~~or upon.~~

21           (2) Upon approval of the court, the grand jury may direct its clerk to deliver  
22 them grand jury materials collected under sub. (1) to the clerk of the court, who shall  
23 impound them subject to ~~the further order or~~ orders of the court.

24           **SECTION 540.** 968.51 of the statutes is renumbered 968.275 and amended to  
25 read:

1           **968.275 Indictment not to be disclosed.** ~~No grand juror or officer of the~~  
2 court, ~~if~~ If the court shall so order, shall orders, no grand juror or officer of the court  
3 may disclose the fact that any indictment for a felony has been found against that  
4 the grand jury has indicted any person not in custody or under recognizance,  
5 otherwise than by issuing or executing process on such indictment, until such the  
6 person has been arrested.

7           **SECTION 541.** 968.52 of the statutes is renumbered 968.285 and amended to  
8 read:

9           **968.285 Votes not to be disclosed.** ~~No grand juror may be allowed to state~~  
10 ~~or testify~~ disclose in any court ~~in what manner~~ how he or she or any other member  
11 of the jury grand juror voted ~~or what opinion any grand juror expressed~~ on any  
12 question before them, ~~or what opinion was expressed by any juror in relation to the~~  
13 question the grand jury.

14           **SECTION 542.** 968.53 of the statutes is renumbered 968.295 and amended to  
15 read:

16           **968.295 When testimony may be disclosed.** ~~Members of the grand jury and~~  
17 ~~any grand jury reporter may be required by any court~~ Notwithstanding any oath or  
18 affirmation required under s. 968.165 or 968.185 (2), any court may require grand  
19 jurors and grand jury reporters to testify whether the testimony of a witness  
20 examined before the jury is consistent with or different from the evidence given by  
21 the witness before the court; ~~and they.~~ Notwithstanding any oath or affirmation  
22 required under s. 968.165 or 968.185 (2), the court may also be required require  
23 grand jurors and grand jury reporters also to disclose the testimony given before the  
24 grand jury by any person upon a complaint against the person for perjury, or upon  
25 trial for the offense. ~~Any~~ If the court receives in evidence any transcript of testimony

1 taken before the grand jury and ~~certified by a~~, the grand jury reporter to have  
2 reporter's certification that the transcript has been carefully compared by the  
3 reporter with his or her minutes of testimony so ~~taken and to be~~ is a true and correct  
4 transcript of all or a specified portion of the transcript, ~~may be received in evidence~~  
5 ~~with~~ shall have the same effect as the oral testimony of the reporter to the facts so  
6 certified, but the reporter may be cross-examined by any party as to the matter.

7 **SECTION 543.** 968.585 (4m) of the statutes is created to read:

8 968.585 (4m) Any evidence obtained by a strip search in violation of sub. (2)  
9 or (3) is not admissible as evidence at trial.

10 **SECTION 544.** 968.585 (7) (cm) of the statutes is created to read:

11 968.585 (7) (cm) The person is committed under ch. 980.

12 **SECTION 545.** Subchapter VII (title) of chapter 968 [precedes 968.605] of the  
13 statutes is created to read:

14 **CHAPTER 968**

15 **SUBCHAPTER VII**

16 **SEIZED PROPERTY**

17 **SECTION 546.** Subchapter VIII (title) of chapter 968 [precedes 968.705] of the  
18 statutes is created to read:

19 **CHAPTER 968**

20 **SUBCHAPTER VIII**

21 **MISCELLANEOUS**

22 **SECTION 547.** 968.705 (2), (3) and (6) of the statutes are created to read:

23 968.705 (2) (a) The subpoena shall designate that the responsive documents  
24 be provided to one of the following:

1           1. The law enforcement agency or law enforcement officer named in the  
2 subpoena.

3           2. The attorney general, the district attorney, the assistant attorney general,  
4 or the assistant district attorney, whichever requested the subpoena.

5           3. The court.

6           (b) If the documents are not returnable to the court, the person who requested  
7 the documents shall, within 5 days of receiving the responsive documents, make a  
8 return of the subpoena to the issuing court in the form of a written notice to the court  
9 that compliance with the subpoena has occurred and including a brief description of  
10 the nature and quantity of the documents received under the subpoena. The person  
11 designated in the subpoena to receive the documents shall maintain the original  
12 documents received and shall produce the documents, or any portion of the  
13 documents, to the court upon the court's order.

14           **(3)** A subpoena issued under sub. (1) shall be issued with all practicable secrecy  
15 and the request for the subpoena, any affidavit in support of the subpoena, any  
16 testimony in support of the request, and any other supporting documents may not  
17 be filed with the clerk or made public until the subpoena has been executed and  
18 returned to the court. The court that issued the subpoena may issue an order sealing  
19 the subpoena and the request for the subpoena, the affidavit in support of the  
20 subpoena, any testimony in support of the request, and any supporting documents  
21 upon which it is based. The court that issued the subpoena may issue an order  
22 prohibiting the person to which the subpoena is directed from disclosing the  
23 existence of the subpoena to any person other than the lawyer for the person.



1           967.025 (1) "Bail" means monetary conditions of release on bond.

2           **SECTION 552.** 969.001 (2) of the statutes is repealed.

3           **SECTION 553.** 969.01 (title) of the statutes is renumbered 969.31 (title).

4           **SECTION 554.** 969.01 (1) of the statutes is renumbered 969.31 (1) and amended  
5 to read:

6           969.31 (1) BEFORE CONVICTION. ~~Before conviction, except~~ Except as provided in  
7 ~~ss. 969.035 and 971.14 s. 969.43 or 971.81 (1r)~~, a defendant arrested for a ~~eriminal~~  
8 ~~offense~~ crime is eligible for release before conviction under reasonable conditions  
9 designed to ~~assure~~ ensure his or her appearance in court, protect members of the  
10 community from serious bodily harm, or prevent the intimidation of witnesses. Bail  
11 ~~may be imposed at or after the initial appearance only upon a finding by the court~~  
12 ~~that there is a reasonable basis to believe that bail is necessary to assure appearance~~  
13 ~~in court. In determining whether any conditions of release are appropriate, the judge~~  
14 ~~shall first consider the likelihood of the defendant appearing for trial if released on~~  
15 ~~his or her own recognizance.~~

16           **SECTION 555.** 969.01 (2) (title) of the statutes is repealed.

17           **SECTION 556.** 969.01 (2) (a) of the statutes is renumbered 969.31 (2) and  
18 amended to read:

19           969.31 (2) AFTER CONVICTION. ~~Release pursuant to s. 969.02 or 969.03 may be~~  
20 ~~allowed in the discretion of~~ In its discretion the trial court may allow release on  
21 conditions after conviction and prior to sentencing ~~or the granting of probation~~. This  
22 paragraph does not apply to a conviction for a 3rd or subsequent violation that is  
23 counted as a suspension, revocation, or conviction under s. 343.307, or under s.  
24 940.09 (1) or 940.25 in the person's lifetime, or a combination thereof.

1           **SECTION 557.** 969.01 (2) (b) and (c) of the statutes are consolidated, renumbered  
2 974.09 (1) (a) and amended to read:

3           974.09 (1) (a) In misdemeanors, ~~release may be allowed upon appeal in the~~  
4 ~~discretion of the trial court.~~ (e) In and felonies, release may be allowed upon appeal  
5 in the discretion of the trial court pursuant to ss. 809.31, 969.32, 969.33, 969.37,  
6 969.38, 969.39, 969.40, 969.41, and 969.42.

7           **SECTION 558.** 969.01 (2) (d) of the statutes is renumbered 974.09 (1) (b) and  
8 amended to read:

9           974.09 (1) (b) The supreme court or a justice thereof or the court of appeals or  
10 a judge thereof may allow release ~~after conviction~~ pending appeal.

11           **SECTION 559.** 969.01 (2) (e) of the statutes is renumbered 974.09 (1) (c) and  
12 amended to read:

13           974.09 (1) (c) Any court or judge or any justice authorized to grant release after  
14 conviction for a misdemeanor or felony may, in addition to the powers granted in s.  
15 ~~969.08~~ 969.51, revoke the order releasing a defendant.

16           **SECTION 560.** 969.01 (3) of the statutes is renumbered 969.52 and amended to  
17 read:

18           **969.52 ~~Bail for witness~~ Arrest of a witness and release on bond.** If A  
19 judge may issue a warrant for the arrest of a person who is not in court, other than  
20 the defendant, if it appears by from an affidavit or examination under oath that there  
21 is probable cause to believe that the person's testimony of a person is material in any  
22 felony a criminal proceeding and that it may become impracticable to secure the  
23 person's presence by subpoena, the judge may require such person to give bail for.  
24 Upon return of the warrant, the court may set conditions of release to secure the  
25 person's appearance as a witness. If the witness is not in court, a warrant for the

1 ~~person's arrest may be issued and upon return thereof the court may require the~~  
2 ~~person to give bail as provided in s. 969.03 for the person's appearance as a witness.~~  
3 ~~If the person fails to give bail, the person may be committed~~ satisfy the conditions  
4 of release, the court may commit the person to the custody of the sheriff for a period  
5 not to exceed 15 days, within which time the person's deposition shall be taken as  
6 provided in, upon notice to the parties under s. 967.04 967.21. After the deposition  
7 has been subscribed, the court shall discharge the witness.

8 **SECTION 561.** 969.01 (4) of the statutes is renumbered 969.33 (1) (intro.) and  
9 amended to read:

10 969.33 (1) CONSIDERATIONS IN SETTING CONDITIONS OF RELEASE. (intro.) ~~If bail is~~  
11 ~~imposed, it shall be only in the amount found necessary to assure the appearance of~~  
12 ~~the defendant. Conditions of release, other than monetary conditions, may be~~  
13 ~~imposed for the purpose of protecting members of the community from serious bodily~~  
14 ~~harm or preventing intimidation of witnesses. Proper considerations in In~~  
15 ~~determining whether to release the defendant without bail, monetary conditions, in~~  
16 ~~fixing monetary conditions in a reasonable amount of bail or, or in imposing other~~  
17 ~~reasonable conditions of release are: the, the court, judge, or justice may consider,~~  
18 without limitation, any of the following:

19 (a) The ability of the arrested person to give bail, ~~the,~~

20 (b) The nature, number, and gravity of the alleged offenses and the potential  
21 penalty the defendant faces, ~~whether,~~

22 (c) Whether the alleged acts were violent in nature, ~~the,~~

23 (d) The defendant's prior criminal record of ~~criminal~~ convictions and  
24 delinquency adjudications, if any, ~~the,~~

25 (e) The character, health, residence, and reputation of the defendant, ~~the,~~

1           (f) The character and strength of the evidence which has been presented to the  
2 judge, whether,

3           (g) Whether the defendant is currently on probation, extended supervision or  
4 parole, whether,

5           (h) Whether the defendant is already ~~on bail or~~ subject to other release  
6 conditions in other pending cases, whether,

7           (i) Whether the defendant has been bound over for trial after a preliminary  
8 examination, whether,

9           (j) Whether the defendant has in the past forfeited bail bond or violated a  
10 condition of release or was a fugitive from justice at the time of arrest, and the,

11           (k) The policy against unnecessary detention of ~~the defendant's~~ a defendant  
12 pending trial.

13           **SECTION 562.** 969.02 (title), (1), (2), (3) (a), (b), (c) and (d), (4), (4m), (5), (7), (7m)  
14 and (8) of the statutes are repealed.

15           **SECTION 563.** 969.02 (2m) of the statutes is renumbered 969.33 (8) and  
16 amended to read:

17           969.33 (8) CREDIT CARDS ACCEPTED. ~~The~~ If the court imposes monetary  
18 conditions of release under this section, the clerk of circuit court may accept, instead  
19 of cash, a credit card or debit card, as defined in s. 59.40 (5) (a) and 1. and 2., ~~instead~~  
20 ~~of cash under sub. (2).~~

21           **SECTION 564.** 969.02 (3) (e) of the statutes is renumbered 969.33 (5) (g) and  
22 amended to read:

23           969.33 (5) (g) If the ~~person~~ defendant is charged with violating a restraining  
24 order or injunction issued under s. 813.12 or 813.125, ~~may require the person~~  
25 requiring the defendant to participate in mental health treatment, a batterer's

1 intervention program, or individual counseling. The judge court shall consider a  
2 request by the district attorney or the petitioner, as defined in s. 301.49 (1) (c), in  
3 determining whether to issue an order under this paragraph.

4 **SECTION 565.** 969.02 (6) of the statutes is renumbered 969.38 (1) (a) and  
5 amended to read:

6 969.38 (1) (a) When ~~a~~ the court enters a judgment of conviction is entered in  
7 a prosecution for a fine or costs or both in a case in which a cash deposit had been  
8 ~~made in accordance with sub. (2), on a secured appearance bond, the court shall apply~~  
9 the balance of such the deposit, after ~~deduction of~~ deducting the bond costs, shall be  
10 applied first to the payment of any restitution ordered under s. 973.20 and then, if  
11 ordered restitution is satisfied in full, to the payment of the judgment. The court  
12 shall then return any remaining balance of the deposit to the person who made the  
13 deposit.

14 **SECTION 566.** 969.02 (7m) of the statutes is amended to read:

15 969.02 (7m) The restrictions on the application of cash deposits under subs. (6)  
16 and (7) do not apply if bail is forfeited under s. ~~969.13~~ 969.42.

17 **SECTION 567.** 969.03 of the statutes is repealed.

18 **SECTION 568.** 969.035 of the statutes is renumbered 969.43, and 969.43 (4), (5),  
19 (7), (8) and (10), as renumbered, are amended to read:

20 969.43 (4) If the court determines that the district attorney has complied with  
21 sub. (3), the court may order that the detention of a person who is currently in custody  
22 be continued or may issue a warrant commanding any law enforcement officer to  
23 bring the defendant without unnecessary delay before the court. When the  
24 defendant is brought before the court, he or she shall be given a copy of the documents

1 specified in sub. (3) and informed of his or her rights under this section and s. 970.02  
2 ~~(1) and (6)~~ 971.028.

3 (5) A pretrial detention hearing is a hearing before a court for the purpose of  
4 determining if the continued detention of the defendant is justified. A pretrial  
5 detention hearing may be held in conjunction with a preliminary examination under  
6 s. ~~970.03~~ 971.042 or a conditional release revocation hearing under s. ~~969.08 (5) (b)~~  
7 969.51 (1), but separate findings shall be made by the court relating to the pretrial  
8 detention, preliminary examination, and conditional release revocation. The  
9 pretrial detention hearing shall be commenced within 10 days from the date the  
10 defendant is detained or brought before the court under sub. (4). The defendant may  
11 not be denied release from custody ~~in accordance with s. 969.03~~ for more than 10 days  
12 prior to the hearing required by this subsection.

13 (7) If the court does not make the findings under sub. (6) (a) and (b) and the  
14 defendant is otherwise eligible, the defendant shall be released from custody with or  
15 without conditions in accordance with ~~s. 969.03~~ ss. 969.31 to 969.33.

16 (8) If the court makes the findings under sub. (6) (a) and (b), the court may deny  
17 bail to the defendant for an additional period not to exceed 60 days following the  
18 hearing. If the time period passes and the defendant is otherwise eligible, he or she  
19 shall be released from custody with or without conditions in accordance with s. ~~s.~~  
20 ~~969.03~~ ss. 969.31 to 969.33.

21 (10) The defendant may petition the court to be released from custody with or  
22 without conditions in accordance with ~~s. 969.03~~ ss. 969.31 to 969.33 at any time.

23 **SECTION 569.** 969.04 of the statutes is renumbered 969.40 and amended to  
24 read:

1           **969.40 Surety may satisfy default.** ~~Any~~ If a defendant fails to comply with  
2 the conditions of his or her bond, any surety may, after default, pay to the clerk of the  
3 ~~court~~ the amount for which the surety was bound, or such lesser sum as the court,  
4 after notice and hearing, may direct, and thereupon be discharged.

5           **SECTION 570.** 969.05 of the statutes is repealed.

6           **SECTION 571.** 969.065 of the statutes is renumbered 969.34 and amended to  
7 read:

8           **969.34 ~~Judicial conference; bail alternatives~~ Bail schedule.** The judicial  
9 conference shall develop guidelines, which the supreme court shall adopt by rule, for  
10 ~~cash bail for releasing on bond~~ persons accused of misdemeanors which the supreme  
11 ~~court shall adopt by rule.~~ The guidelines shall relate primarily to individuals. The  
12 guidelines and may be revised from time to time ~~under this section.~~

13           **SECTION 572.** 969.07 of the statutes is renumbered 969.36 and amended to  
14 read:

15           **969.36 Taking of bail cash deposit by law enforcement officer.** When  
16 ~~bail has~~ monetary conditions of release have been set before the initial appearance  
17 for a particular defendant, any law enforcement officer may take bail in accordance  
18 ~~with s. 969.02~~ a cash deposit and release the defendant to appear at a specified time  
19 and place in accordance with the conditions of the appearance stated in the bond.  
20 ~~Bail shall not be required of a defendant who has been cited for commission of a~~  
21 ~~misdemeanor in accordance with s. 968.085.~~ The law enforcement officer shall give  
22 a receipt to the defendant for the ~~bail so taken~~ deposit and within a reasonable time  
23 ~~deposit the bail~~ it with the clerk of the court ~~before whom~~ where the defendant is to  
24 appear. ~~Bail taken by a law enforcement officer may be taken~~ A law enforcement  
25 officer may take a cash deposit only at a sheriff's office or police station. ~~The receipts~~

1 shall be numbered serially and shall be in triplicate, one copy for the defendant, one  
2 copy to be filed with the clerk and one copy to be filed with the police or sheriff's  
3 department which takes the bail. This section does not require the release of a  
4 defendant from custody when an officer is of the opinion that the defendant is not in  
5 a fit condition to care for his or her own safety or would constitute, because of his or  
6 her physical condition, a danger to the safety of others. If a defendant is not released  
7 under this section, s. ~~970.01~~ 971.015 (1) shall apply.

8 **SECTION 573.** 969.08 (title) of the statutes is renumbered 969.51 (title) and  
9 amended to read:

10 **969.51 (title) ~~Grant, reduction, increase or revocation~~ Revocations of**  
11 **conditions of defendant's release.**

12 **SECTION 574.** 969.08 (1), (2), (3) and (4) of the statutes are repealed.

13 **SECTION 575.** 969.08 (5) (a) of the statutes is renumbered 969.51 (1) (a).

14 **SECTION 576.** 969.08 (5) (b) 1. of the statutes is renumbered 969.51 (1) (b) 1. and  
15 amended to read:

16 969.51 (1) (b) 1. If the court determines that the state has complied with par.  
17 (a), the court may issue a warrant commanding any law enforcement officer to bring  
18 the defendant without unnecessary delay before the court. When the defendant is  
19 brought before the court, he or she shall be given a copy of the documents specified  
20 in par. (a) and informed of his or her rights under s. ~~970.02 (1) and (6)~~ 971.028. The  
21 court may hold the defendant in custody and suspend the previously imposed  
22 conditions of release pending a hearing on the alleged breach. The hearing under  
23 this paragraph and the preliminary examination under s. ~~970.03~~ 971.042, if  
24 required, shall be a combined hearing, with the court making the separate findings  
25 required under this paragraph and s. ~~970.03~~ 971.042 at the conclusion of the

1 combined hearing. The hearing shall be commenced within 7 days from the date the  
2 defendant is taken into custody. The defendant may not be held without setting  
3 conditions of release for more than 7 days unless a hearing is held and the findings  
4 required by this paragraph are established.

5 **SECTION 577.** 969.08 (5) (b) 2. of the statutes is renumbered 969.51 (1) (b) 2.

6 **SECTION 578.** 969.08 (5) (b) 3. of the statutes is renumbered 969.51 (1) (b) 3. and  
7 amended to read:

8 969.51 (1) (b) 3. Upon a finding by the court that the state has established by  
9 clear and convincing evidence that the defendant has committed a serious crime  
10 while on conditional release, the court may revoke the release of the defendant and  
11 hold the defendant for trial without setting conditions of release. No reference may  
12 be made during the trial of the offense to the court's finding in the hearing. No  
13 reference may be made in the trial to any testimony of the defendant at the hearing,  
14 except if the testimony is used for impeachment purposes. If the court does not find  
15 that the state has established by clear and convincing evidence that the defendant  
16 has committed a serious crime while on conditional release, the defendant shall be  
17 released on ~~bail or other~~ conditions deemed appropriate by the court.

18 **SECTION 579.** 969.08 (5) (b) 4. of the statutes is renumbered 969.51 (1) (b) 4. and  
19 amended to read:

20 969.51 (1) (b) 4. If the release of any defendant is revoked under subd. 3., the  
21 defendant may demand and shall be entitled to be brought to trial on the offense with  
22 respect to which he or she was formerly released on conditions within 60 days after  
23 the date on which he or she appeared before the court under subd. 1. If the defendant  
24 is not brought to trial within the 60-day period he or she shall not be held longer  
25 without setting conditions of release and shall be released on ~~bail or other~~ conditions

1 deemed appropriate by the court. In computing the 60-day period, the court shall  
2 omit any period of delay if the court finds that the delay results from a continuance  
3 granted at the exclusive request of the defendant.

4 **SECTION 580.** 969.08 (5) (b) 5. of the statutes is renumbered 969.51 (1) (b) 5.

5 **SECTION 581.** 969.08 (6) of the statutes is renumbered 969.51 (2).

6 **SECTION 582.** 969.08 (7) of the statutes is renumbered 969.51 (3) and amended  
7 to read:

8 969.51 (3) If a person is charged with the commission of a serious crime in a  
9 county other than the county in which the person was released on conditions, the  
10 district attorney and court may proceed under sub. ~~(6)~~ (1) and certify the findings to  
11 the circuit court for the county in which the person was released on conditions. That  
12 circuit court shall make the release revocation decision based on the certified  
13 findings.

14 **SECTION 583.** 969.08 (8) of the statutes is renumbered 969.51 (4) and amended  
15 to read:

16 969.51 (4) Information stated in, or offered in connection with, any order  
17 entered under this chapter setting bail or other conditions of release need not  
18 conform to the rules of evidence, except as provided under sub. ~~(5)~~ (1) (b) 2. or s.  
19 901.05.

20 **SECTION 584.** 969.08 (9) of the statutes is renumbered 969.51 (5).

21 **SECTION 585.** 969.08 (9m) of the statutes is renumbered 969.51 (6) and  
22 amended to read:

23 969.51 (6) A person who has had ~~bail~~ bond revoked under this section is entitled  
24 to placement of his or her case on an expedited trial calendar and his or her trial shall  
25 be given priority.

1           **SECTION 586.** 969.08 (10) of the statutes is renumbered 969.51 (7).

2           **SECTION 587.** 969.09 (title), (1) and (3) of the statutes are repealed.

3           **SECTION 588.** 969.09 (2) of the statutes is renumbered 974.09 (2) and amended  
4 to read:

5           974.09 (2) If the defendant is ~~admitted to bail upon~~ released on conditions  
6 pending appeal, the conditions of the bond shall be that the defendant will duly  
7 prosecute the defendant's appeal, that the defendant will appear at ~~such~~ the time  
8 and place as that the court directs, and that, if the judgment is affirmed or reversed  
9 and remanded for a new trial or further proceedings upon notice after remittitur, the  
10 defendant will surrender to the sheriff of the county in which the defendant was  
11 tried.

12           **SECTION 589.** 969.10 of the statutes is amended to read:

13           **969.10 Notice of change of address.** A person who has been released on ~~bail~~  
14 ~~or other~~ conditions shall give written notice to the clerk of any change in his or her  
15 address within 48 hours after the change. This requirement shall be printed on all  
16 bonds.

17           **SECTION 590.** 969.11 of the statutes is renumbered 969.35 and amended to  
18 read:

19           **969.35 Release upon arrest in another county.** (1) If the defendant is  
20 arrested in a county other than the county in which the offense was ~~committed~~ may  
21 be tried under s. 970.14, he or she shall, without unreasonable delay, ~~either be~~  
22 ~~brought before a judge of the county in which arrested~~ and for the purpose of setting  
23 ~~bail or other conditions of release, be brought before a judge of either the county~~  
24 where he or she was arrested or ~~be returned to the county in which~~ where the offense  
25 ~~was committed.~~ The may be tried under s. 970.14. If the defendant is brought before

1 a judge in the county where he or she was arrested, the judge shall release him or  
2 her on conditions imposed in accordance with this chapter to appear before a court  
3 in the county in which the offense was committed at a specified time and place.

4 ~~(2) If the defendant is released on bail or other conditions pursuant to a judge~~  
5 ~~of a county other than the county where the offense may be tried under s. 970.14~~  
6 ~~released the defendant under~~ sub. (1), the judge shall make a record of the  
7 proceedings ~~and, shall certify his or her minutes thereof~~ of the proceedings, and shall  
8 forward the bond ~~and bail~~ to the court before whom the defendant is bound to appear.

9 **SECTION 591.** 969.12 of the statutes is renumbered 969.39.

10 **SECTION 592.** 969.13 of the statutes is renumbered 969.42.

11 **SECTION 593.** 969.14 of the statutes is repealed.

12 **SECTION 594.** Subchapter I (title) of chapter 969 [precedes 969.15] of the  
13 statutes is created to read:

## 14 **CHAPTER 969**

### 15 **SUBCHAPTER I**

#### 16 **ARRESTS, SUMMONSES, AND CITATIONS**

17 **SECTION 595.** 969.15 of the statutes is created to read:

18 **969.15 Securing the defendant's initial appearance.** The initial  
19 appearance of a person charged with a crime may be secured in any of the following  
20 ways:

21 (1) By the person's voluntary appearance.

22 (2) By the person's appearance in response to a citation.

23 (3) By the person's appearance in response to a summons.

24 (4) By the person's arrest, with or without a warrant.

1           (5) By the person's appearance in response to a condition of release from  
2 custody.

3           (6) By the person's appearance in response to a judicial order to produce a  
4 person already in custody.

5           **SECTION 596.** 969.19 of the statutes is created to read:

6           **969.19 Probable cause determination for warrantless arrests.** For any  
7 person who is arrested without a warrant and not sooner released from custody,  
8 within 48 hours after the arrest a judge shall determine whether there was probable  
9 cause to arrest the person. After 48 hours, including weekends and holidays, have  
10 elapsed from the arrest of the person with no judicial determination of probable  
11 cause the person shall be released under s. 969.32 (1) unless the delay is excused by  
12 the existence of a bona fide emergency or other extraordinary circumstance. The  
13 time limit under this section does not apply to persons in custody as a result of a  
14 probation, extended supervision, or parole hold under s. 302.113 (8m), 302.114 (8m),  
15 304.06 (3), or 973.10 (2).

JUDICIAL COUNCIL COMMITTEE NOTE, 2015: The intent of this section is to codify the  
holding in *County of Riverside v. McLaughlin*, 500 U.S. 44 (1991).

16           **SECTION 597.** 969.20 (2) of the statutes is created to read:

17           **969.20 (2) WARRANT WITHOUT A CRIMINAL COMPLAINT.** Upon the request of the  
18 district attorney and subject to sub. (8), a judge may issue an arrest warrant without  
19 a criminal complaint if the judge determines, based on an affidavit filed with the  
20 court or an examination under oath of a person, that there is probable cause to  
21 believe that an offense has been committed and that the person named in the  
22 warrant has committed it.

23           **SECTION 598.** 969.20 (6) of the statutes is created to read:



1 Deposit Permitted: \$ ...

2 Circuit Court for ... County

3 The undersigned complains for and on behalf of the State of Wisconsin upon  
4 information and belief that on or about ... (day), ... (date of violation), at ...  
5 (time); in ... County, town/ village/ city of ...; ... (defendant's name); ... (date of  
6 birth), ... (sex), ... (street address, city, state, zip code), ... (race), ... (eye color), ...  
7 (hair color), ... (weight), ... (height); did the following ... (state facts of violation)  
8 in violation of section(s) ... of the ... (year) Wisconsin Statutes and requests that  
9 the defendant may be held to answer for the violation.

10 Dated ..., ... (year)

11 ... (Signature of officer)

12 Signed by ... (Name), ... (Dept./Agency)

13 ... (Title), ... (Badge Number)

14 You are hereby notified to appear in the

15 ( ) Circuit Court named above

16 ( ) District Attorney's Office

17 located at ... (street address, city)

18 on ... (date), at ... (time).

19 The maximum penalty for this violation is:

20 ( ) Fine not to exceed \$10,000 or imprisonment not to exceed 9 months, or both  
21 (Class A Misdemeanor).

22 ( ) Fine not to exceed \$1,000 or imprisonment not to exceed 90 days, or both  
23 (Class B Misdemeanor).

24 ( ) Fine not to exceed \$500 or imprisonment not to exceed 30 days, or both (Class

1 C Misdemeanor).

2 ( ) Other

3 **PROMISE TO APPEAR**

4 I have received a copy of this citation. I promise to appear in court at the  
5 time and place specified. Signing this citation is not an admission of guilt.

6 .... (Defendant’s signature)

7 .... (Defendant’s address)

8 .... (Defendant’s phone number)

9 **ENDORSEMENT BY DISTRICT ATTORNEY**

10 I have reviewed this citation and approve its use as a criminal complaint  
11 under s. 969.24 (5).

12 Dated ....., .... (year)

13 .... (District Attorney’s signature)

14 .... (Title)

15 **SECTION 604.** Subchapter II (title) of chapter 969 [precedes 969.30] of the  
16 statutes is created to read:

17 **CHAPTER 969**

18 **SUBCHAPTER II**

19 **COURT-ORDERED RELEASE**

20 **SECTION 605.** 969.30 (3) to (7) of the statutes are created to read:

21 969.30 (3) “Personal recognizance bond” means a bond without monetary  
22 conditions of release.

23 (4) “Secured appearance bond” means a bond with monetary conditions of  
24 release that require the depositing of cash or the pledging of property as security.

25 The court may order that the bond be secured by the defendant or by a surety.

1           (5) “Serious bodily harm” means bodily injury that causes or contributes to the  
2 death of a human being; bodily injury that creates a substantial risk of death; bodily  
3 injury that causes serious permanent disfigurement; bodily injury that causes a  
4 permanent or protracted loss or impairment of the function of any bodily member or  
5 organ; or other serious bodily injury.

6           (6) “Surety” means a person who guarantees payment of the amount specified  
7 in a monetary condition of release if the defendant does not appear in court as  
8 required.

9           (7) “Unsecured appearance bond” means a bond with monetary conditions of  
10 release that do not require the depositing of cash or the pledging of property as  
11 security.

12           **SECTION 606.** 969.31 (3) of the statutes is created to read:

13           969.31 (3) AFTER SENTENCING. After sentencing and before service of the  
14 sentence begins, the trial court may continue the conditions of release or impose new  
15 conditions of release.

16           **SECTION 607.** 969.31 (4) of the statutes is created to read:

17           969.31 (4) PENDING APPEAL. Release after sentencing, pending appeal, is  
18 governed by ss. 809.31 and 974.08.

19           **SECTION 608.** 969.32 of the statutes is created to read:

20           **969.32 Types of release.** In any case where release is allowed, the court shall  
21 do one of the following:

22           (1) Release the defendant to return on a date certain, without conditions.

23           (2) Release the defendant on a personal recognizance bond.

24           (3) Release the defendant on an unsecured appearance bond.

25           (4) Release the defendant on a secured appearance bond.

1           **SECTION 609.** 969.33 (title) of the statutes is created to read:

2           **969.33 (title) Conditions of release.**

3           **SECTION 610.** 969.33 (1) (L) of the statutes is created to read:

4           **969.33 (1) (L)** The results of a validated risk assessment.

5           **SECTION 611.** 969.33 (2) of the statutes is created to read:

6           **969.33 (2) RULES OF EVIDENCE DO NOT APPLY.** Information stated in or offered in  
7 connection with any order entered under this chapter setting conditions of release  
8 need not conform to the rules of evidence, except as provided under s. 901.05 or  
9 969.51.

10          **SECTION 612.** 969.33 (3) of the statutes is created to read:

11          **969.33 (3) MONETARY CONDITIONS.** The court may impose monetary conditions  
12 of release only if it finds that there is a reasonable basis to believe that they are  
13 necessary to ensure the defendant's appearance in court. In a misdemeanor case the  
14 amount of money specified in a monetary condition of release may not exceed the  
15 maximum fine provided for the crime charged.

16          **SECTION 613.** 969.33 (4) of the statutes is created to read:

17          **969.33 (4) MANDATORY CONDITIONS.** The following conditions shall be imposed  
18 as terms of any bond under s. 969.32 (2) to (4) and shall be printed on the bond:

19           (a) The defendant shall appear in the court having jurisdiction on a day certain  
20 and thereafter as ordered until discharged on final order of the court and shall  
21 submit to the orders and process of the court.

22           (b) The defendant shall give written notice to the clerk of any change in his or  
23 her address within 48 hours after the change.

24           (c) The defendant may not commit any crime.

1 (d) The defendant shall not violate, cause any person to violate, or permit any  
2 person to violate on the defendant's behalf ss. 940.22 to 940.45.

3 **SECTION 614.** 969.33 (5) to (7) of the statutes are created to read:

4 **969.33 (5) OTHER CONDITIONS.** Whenever a defendant is released on bond under  
5 s. 969.32 (2) to (4), the court may impose reasonable conditions other than those  
6 required under sub. (4), including conditions doing any of the following:

7 (a) Prohibiting the defendant from contacting, directly or indirectly, specified  
8 persons or going to specified places.

9 (b) Prohibiting the defendant from possessing any dangerous weapon.

10 (c) Prohibiting the defendant from consuming alcohol beverages.

11 (d) Restricting the travel, association, or place of residence of the defendant.

12 (e) Requiring that the defendant return to custody after specified hours. The  
13 charges authorized by s. 303.08 (4) and (5) do not apply under this paragraph.

14 (f) Placing the defendant under the supervision of a designated person or  
15 organization agreeing to supervise the defendant.

16 **(6) COPY OF BOND TO DEFENDANT.** The court shall provide the defendant a copy  
17 of his or her bond.

18 **(7) MODIFYING CONDITIONS OF RELEASE.** Upon motion by the state or the  
19 defendant, the court before which the action is pending may, following a hearing,  
20 modify conditions of release or grant release if it has been previously revoked under  
21 s. 969.51. Reasonable notice of the hearing shall be given to all parties.

22 **SECTION 615.** 969.37 of the statutes is created to read:

23 **969.37 Return of cash deposit to a 3rd party.** A person other than the  
24 defendant who has deposited cash to obtain the release of the defendant on a secured  
25 appearance bond, may, prior to the entry of a judgment of conviction or a judgment

1 of forfeiture under s. 969.42, apply to the court for an order returning the deposit.  
2 After notice to the parties, the court shall hold a hearing at which the defendant must  
3 be present. The court shall determine whether to remit the cash deposit in whole or  
4 in part and may review and modify the conditions of release.

5 **SECTION 616.** 969.38 of the statutes is created to read:

6 **969.38 Disposition of cash deposits. (1) DEPOSIT APPLIED TO FINE OR COSTS.**

7 (b) All secured appearance bonds shall include notice of the requirements of  
8 par. (a).

9 **(2) RETURN OF DEPOSIT.** If the complaint against the defendant is dismissed or  
10 the defendant is acquitted in a case in which a cash deposit has been made on a  
11 secured appearance bond, the entire sum deposited shall be returned. A deposit by  
12 a surety shall be returned to the person who made the deposit.

13 **(3) FORFEITURE EXCEPTION.** Subsections (1) (a) and (2) do not apply if a cash  
14 deposit is forfeited under s. 969.42.

15 **SECTION 617.** 969.41 of the statutes is created to read:

16 **969.41 Discharge of surety.** When a surety desires to be discharged from the  
17 obligations of his or her bond, he or she may apply to the court for an order to that  
18 effect. After notice to the parties, the court shall hold a hearing at which the  
19 defendant must be present. The court shall determine whether to discharge the  
20 surety and may review and modify the conditions of release.

21 **SECTION 618.** Subchapter III (title) of chapter 969 [precedes 969.50] of the  
22 statutes is created to read:

23 **CHAPTER 969**

24 **SUBCHAPTER III**

1                                    ENFORCEMENT OF APPEARANCE  
2                                    REQUIREMENTS AND CONDITIONS OF  
3                                    RELEASE

4            **SECTION 619.** 969.50 (2) and (3) of the statutes are created to read:

5            969.50 (2) A court issuing a bench warrant under this section may specify  
6            monetary conditions of release on the warrant.

7            (3) If monetary conditions of release are not specified on the bench warrant,  
8            a defendant or witness arrested pursuant to the warrant is not eligible for release  
9            before appearing in court.

10          **SECTION 620.** Chapter 970 (title) of the statutes is repealed and recreated to  
11          read:

12                                    **CHAPTER 970**  
13                                    **COMMENCEMENT OF PROSECUTION**

14          **SECTION 621.** 970.01 (title) of the statutes is repealed.

15          **SECTION 622.** 970.01 (1) of the statutes is renumbered 971.015 (1) (a) and  
16          amended to read:

17          971.015 (1) (a) ~~Any~~ Except as provided in par. (b), any person who is arrested  
18          and not sooner released from custody shall be taken within a reasonable time before  
19          a judge in brought before the court for the county in which the offense was alleged  
20          to have been committed. The may be tried under s. 970.14 for an initial appearance  
21          may be conducted on the record by telephone or live audiovisual means under s.  
22          967.08. If the within a reasonable time after the day of arrest. In no event shall an  
23          arrested person be held for more than 96 hours, including weekends and holidays,  
24          without a court determination regarding conditions of release under s. 969.33.

1           **(3) TELEPHONE PROCEEDINGS.** ~~When an initial appearance is conducted by~~  
2 ~~telephone or live audiovisual means under s. 967.14 or video conferencing under~~  
3 ~~subch. III of ch. 885, the person may waive physical appearance. Waiver of physical~~  
4 ~~appearance shall be placed on the record of the initial appearance and does not waive~~  
5 ~~other grounds for challenging the court's personal jurisdiction. If the person does not~~  
6 ~~waive physical appearance, conducting the initial appearance by telephone or live~~  
7 ~~audiovisual means under s. 967.08~~ defendant ~~does not waive any grounds~~ ground  
8 ~~that the person~~ defendant ~~has for challenging the court's personal jurisdiction.~~

9           **SECTION 623.** 970.01 (2) of the statutes is repealed.

10          **SECTION 624.** 970.02 (title) of the statutes is repealed.

11          **SECTION 625.** 970.02 (1) (intro.) of the statutes is repealed.

12          **SECTION 626.** 970.02 (1) (a) of the statutes is renumbered 971.028 (3) and  
13 amended to read:

14           971.028 **(3) NOTICE OF THE CHARGES AND PENALTIES.** ~~Of the charge against the~~  
15 ~~defendant and shall furnish~~ The court shall ensure that the district attorney has  
16 furnished ~~the defendant with a copy of the complaint which shall contain the possible~~  
17 ~~penalties for the offenses set forth therein. In the case of a felony, the judge shall also~~  
18 ~~inform the defendant of the~~ and ensure that the defendant has been informed of the  
19 nature of the charge and the penalties for the felony each crime ~~with which the~~  
20 ~~defendant is charged. The district attorney shall read the complaint to the defendant~~  
21 ~~at the defendant's request. If no criminal complaint is filed at the initial appearance,~~  
22 the defendant shall be released without monetary conditions unless the court  
23 excuses the delay due to the existence of extraordinary circumstances.

24          **SECTION 627.** 970.02 (1) (b) and (6) of the statutes are consolidated,  
25 renumbered 971.028 (1) and amended to read:

1           971.028 (1) RIGHT TO COUNSEL. ~~Of If the defendant is not represented by~~  
2 counsel, the court shall inform the defendant of his or her right to counsel and, in any  
3 case required by the U.S. or Wisconsin constitution, that an attorney will be  
4 appointed to represent him or her if he or she is financially unable to employ counsel.  
5 ~~(6) In all cases in which the defendant is entitled to legal representation under the~~  
6 ~~constitution or laws of the United States or this state, the judge or magistrate shall~~  
7 ~~inform the defendant of his or her right to counsel and, if the defendant claims or~~  
8 ~~appears to be indigent, shall refer the person defendant to the authority for indigency~~  
9 ~~determinations specified under s. 977.07 (1). Unless the defendant knowingly and~~  
10 ~~voluntarily waives the right to counsel, the court may not permit an unrepresented~~  
11 ~~defendant to enter a plea other than not guilty.~~

12           **SECTION 628.** 970.02 (1) (c) and (5) of the statutes are consolidated, renumbered  
13 971.028 (2) and amended to read:

14           971.028 (2) RIGHT TO A PRELIMINARY EXAMINATION. ~~That~~ The court shall inform  
15 the defendant that he or she is entitled to a preliminary examination if when the  
16 defendant is charged with a felony in any complaint, including a complaint issued  
17 under s. 968.26, or when the defendant has been returned to this state for  
18 prosecution through extradition proceedings under ch. 976, or any indictment,  
19 unless waived in writing or in open court, or unless the defendant is a corporation  
20 or limited liability company. (5) If the defendant does not waive preliminary  
21 examination, the judge court shall forthwith set the action for a preliminary  
22 examination under s. 970.03 971.042.

23           **SECTION 629.** 970.02 (2) of the statutes is renumbered 971.028 (5) and amended  
24 to read:

1           971.028 (5) CONDITIONS OF RELEASE. The judge court shall ~~admit the defendant~~  
2 ~~to bail in accordance with~~ establish, modify, or continue the conditions of the  
3 defendant's release under ch. 969.

4           **SECTION 630.** 970.02 (3) of the statutes is repealed.

5           **SECTION 631.** 970.02 (4) of the statutes is repealed.

6           **SECTION 632.** 970.02 (7) of the statutes is renumbered 971.028 (6) and amended  
7 to read:

8           971.028 (6) OBTAINING IDENTIFICATION DATA. If the offense charged is one  
9 specified under s. 165.83 (2) (a), the judge court shall determine if the defendant's  
10 fingerprints, photographs and other identifying data have been taken and, if not, the  
11 judge court shall direct that this information be obtained.

12           **SECTION 633.** 970.02 (8) of the statutes, as affected by 2013 Wisconsin Act 214,  
13 is renumbered 971.028 (7) and amended to read:

14           971.028 (7) OBTAINING BIOLOGICAL SPECIMEN. If the offense charged is a violent  
15 crime, as defined in s. 165.84 (7) (ab), the judge court shall determine if a biological  
16 specimen has been obtained from the defendant under s. 165.84 (7), and, if not, the  
17 judge court shall direct that a law enforcement agency or tribal law enforcement  
18 agency obtain a biological specimen from the defendant and submit it to the state  
19 crime laboratories as specified in rules promulgated by the department of justice  
20 under s. 165.76 (4). If the judge court requires the defendant to provide a specimen  
21 under this subsection or if a biological specimen has already been obtained from the  
22 defendant, the judge court shall inform the defendant that he or she may request  
23 expungement under s. 165.77 (4).

24           **SECTION 634.** 970.03 (title) of the statutes is renumbered 971.042 (title).

1           **SECTION 635.** 970.03 (1) of the statutes is renumbered 971.042 (1) and amended  
2 to read:

3           971.042 (1) A preliminary examination is a hearing before a court for the  
4 purpose of determining if there is probable cause to believe a felony has been  
5 committed by the defendant. A preliminary examination may be held in conjunction  
6 with a bail revocation hearing under s. ~~969.08 (5)~~ 969.51 (1) (b), but separate findings  
7 shall be made by the judge relating to the preliminary examination and to the bail  
8 revocation.

9           **SECTION 636.** 970.03 (2), (3), (4), (5) and (6) of the statutes are renumbered  
10 971.042 (2), (3), (4), (5) and (6).

11           **SECTION 637.** 970.03 (7), (8) and (9) of the statutes are renumbered 971.042 (7)  
12 (a), (b) and (c) and amended to read:

13           971.042 (7) (a) If the court finds probable cause to believe that a felony has been  
14 committed by the defendant, ~~it shall~~ bind the defendant over for trial.

15           (b) If the court finds that it is probable that only a misdemeanor has been  
16 committed by the defendant, ~~it shall~~ amend the complaint to conform to the evidence.  
17 The action shall then proceed as though it had originated as a misdemeanor action.

18           (c) If the court does not find probable cause to believe that a crime has been  
19 committed by the defendant, ~~it shall~~ order the defendant discharged ~~forthwith~~  
20 immediately.

21           **SECTION 638.** 970.03 (10), (12), (13) and (14) of the statutes are renumbered  
22 971.042 (8), (9), (10) and (11), and 971.042 (8) and (9) (a) 1., as renumbered, are  
23 amended to read:

24           971.042 (8) In multiple count complaints, the court shall order dismissed any  
25 count for which it finds there is no probable cause. The facts arising out of any count

1 ordered dismissed shall not be the basis for a count in any information filed pursuant  
2 to ~~ch. 971. Section 970.04~~ under this chapter. Subsection (13) shall apply to any  
3 dismissed count.

4 **(9)** (a) 1. "Hospital" has the meaning ~~designated~~ given in s. 50.33 (2).

5 **SECTION 639.** 970.032 (title) of the statutes is repealed.

6 **SECTION 640.** 970.032 (1) of the statutes is renumbered 971.75 (1) and amended  
7 to read:

8 971.75 (1) PROBABLE CAUSE HEARING. Notwithstanding s. ~~970.03~~ 971.042, if a  
9 preliminary examination is held regarding a juvenile who is subject to the original  
10 jurisdiction of the court of criminal jurisdiction under s. 938.183 (1), the court shall  
11 first conduct an evidentiary hearing to determine whether if there is probable cause  
12 to believe that the juvenile has committed the violation of which he or she is accused  
13 under the circumstances specified in s. 938.183 (1) (a), (am), (ar), (b), or (c), whichever  
14 is applicable.

15 **(3) FINDINGS AT PROBABLE CAUSE HEARING.** (a) If the court does not ~~make that~~  
16 finding find that there is probable cause to believe the juvenile committed the  
17 violation of which he or she is accused under the circumstances specified in s. 938.183  
18 (1) (a), (am), (ar), (b), or (c), whichever is applicable, the court shall order that the  
19 juvenile be discharged, but proceedings may be brought regarding the juvenile under  
20 ch. 938.

21 **SECTION 641.** 970.032 (2) (intro.) of the statutes is renumbered 971.75 (3) (b)  
22 and amended to read:

23 971.75 (3) (b) If the court finds probable cause to believe that the juvenile has  
24 committed the violation of which he or she is accused under the circumstances  
25 specified in s. 938.183 (1) (a), (am), (ar), (b), or (c), the court shall conduct a hearing

1 under sub. (5) to determine whether to retain jurisdiction or to transfer jurisdiction  
2 to the court assigned to exercise jurisdiction under chs. 48 and 938. The court may  
3 base its finding of probable cause in whole or in part on hearsay.

4 (5) FINDINGS AT RETENTION HEARING. The If the court finds probable cause under  
5 sub. (3) (b), it shall retain jurisdiction unless the juvenile proves by a preponderance  
6 of the evidence all of the following:

7 **SECTION 642.** 970.032 (2) (a), (b) and (c) of the statutes are renumbered 971.75  
8 (5) (a), (b) and (c).

9 **SECTION 643.** 970.035 of the statutes is renumbered 971.046 and amended to  
10 read:

11 **971.046 Preliminary examination; juvenile younger than 15 years old.**  
12 Notwithstanding s. 970.03 971.042, if a preliminary examination under s. 970.03  
13 971.042 is held regarding a juvenile who was waived under s. 938.18 for a violation  
14 which is alleged to have occurred prior to his or her 15th birthday, the court may bind  
15 the juvenile over for trial only if there is probable cause to believe that a crime under  
16 s. 940.03, 940.06, 940.225 (1) or (2), 940.305, 940.31 or 943.10 (2), 943.32 (2) or 961.41  
17 (1) has been committed or that a crime that would constitute a felony under chs. 939  
18 to 948 or 961 if committed by an adult has been committed at the request of or for  
19 the benefit of a criminal gang, as defined in s. 939.22 (9). If the court does not make  
20 any of those findings, the court shall order that the juvenile be discharged but  
21 proceedings may be brought regarding the juvenile under ch. 938.

22 **SECTION 644.** 970.038 of the statutes is renumbered 971.043 and amended to  
23 read:



1 to the public interest. The motion may not be granted after jeopardy has attached  
2 without the consent of the defendant.

3 (3) Granting a motion to dismiss a complaint or information made under sub.  
4 (1) dismisses the action, and the clerk shall enter an order to that effect.

5 **SECTION 651.** 970.13 (3) of the statutes is created to read:

6 970.13 (3) RELIEF FROM PREJUDICIAL JOINDER. Relief from prejudicial joinder  
7 may be sought under s. 971.68 (2).

8 **SECTION 652.** 970.14 (13) of the statutes is created to read:

9 970.14 (13) In an action where the state asserts jurisdiction under s. 939.03 (1)  
10 (b) or (c) and where the place of trial cannot readily be determined under this section,  
11 the trial may be in the county where the defendant intended that the crime be  
12 committed, the county of residence of the intended victims, or, if neither of these  
13 applies, Dane County.

14 **SECTION 653.** 970.15 of the statutes is created to read:

15 **970.15 Deferred and suspended prosecution agreements. (1)**

16 DEFINITIONS. In this section:

17 (a) “Deferred prosecution agreement” means an agreement under which a  
18 prosecutor does not file a criminal complaint but may do so in the future.

19 (b) “Suspended prosecution agreement” means an agreement under which  
20 further prosecution against a person is suspended after a prosecutor files a criminal  
21 complaint against the person.

22 (2) DEFERRED PROSECUTION AGREEMENTS. The same standards that apply to a  
23 district attorney’s charging authority govern the district attorney’s authority to  
24 enter into a deferred prosecution agreement. The deferred prosecution agreement  
25 may provide that entering into the agreement waives any subsequent claims

1 concerning the statute of limitations for the charges that are the basis of the  
2 agreement. A deferred prosecution agreement is enforceable in the same manner as  
3 a plea agreement.

4 **(3) SUSPENDED PROSECUTION AGREEMENTS.** The same standards that apply to a  
5 court's authority to schedule cases and grant continuances apply to a court's  
6 authority to suspend prosecution when the parties have reached a suspended  
7 prosecution agreement. The court's authority to suspend prosecution includes the  
8 authority to defer or delay the acceptance of a plea or to withhold entry of judgment.  
9 A suspended prosecution agreement is enforceable in the same manner as a plea  
10 agreement.

11 **(4) ADMISSIONS AND STATEMENTS.** Consent to, or participation in, a deferred  
12 prosecution agreement or a suspended prosecution agreement is not an admission  
13 of guilt and is not admissible in any trial relating to the charge to which the  
14 agreement pertains. No statement made by a person in connection with a deferred  
15 prosecution agreement or a suspended prosecution agreement is admissible in any  
16 trial relating to the charge to which the agreement pertains.

17 **(5) IMMUNITY.** Any organization, agency, or individual acting in good faith for  
18 which or for whom a person is assigned to work pursuant to a deferred prosecution  
19 agreement or a suspended prosecution agreement has immunity from any civil  
20 liability in excess of \$25,000 for acts or omissions by the person or affecting the  
21 person.

22 **SECTION 654.** Subchapter II (title) of chapter 970 [precedes 970.21] of the  
23 statutes is created to read:

24 **CHAPTER 970**

## 1 SUBCHAPTER II

## 2 PARTICULAR OFFENSES

3 **SECTION 655.** Chapter 971 (title) of the statutes is repealed and recreated to  
4 read:

5 **CHAPTER 971**6 **PRETRIAL PROCEDURES**

7 **SECTION 656.** 971.01 of the statutes is renumbered 971.051, and 971.051 (1),  
8 as renumbered, is amended to read:

9 971.051 (1) The district attorney shall examine all facts and circumstances  
10 connected with any preliminary examination touching the commission of any crime  
11 if the defendant has been bound over for trial and, subject to s. ~~970.03 (10)~~ 971.042  
12 (8), shall file an information according to the evidence on such examination  
13 subscribing his or her name thereto.

14 **SECTION 657.** Subchapter I (title) of chapter 971 [precedes 971.013] of the  
15 statutes is created to read:

16 **CHAPTER 971**17 **SUBCHAPTER I**18 **COMMENCEMENT OF PROCEEDINGS**

19 **SECTION 658.** 971.015 (title) of the statutes is created to read:

20 **971.015 (title) Initial court appearance.**

21 **SECTION 659.** 971.015 (1) (title) of the statutes is created to read:

22 971.015 (1) (title) PERSONS IN CUSTODY.

23 **SECTION 660.** 971.015 (1) (b) of the statutes is created to read:

24 971.015 (1) (b) A person in custody outside the county in which the offense was  
25 alleged to have been committed shall have an initial appearance in the court for the

1 county in which the offense was alleged to have been committed as soon as  
2 practicable. Conditions of release may be set under s. 969.33.

3 **SECTION 661.** 971.015 (2) of the statutes is created to read:

4 971.015 (2) PERSONS NOT IN CUSTODY. A person who is arrested and released or  
5 who is issued a citation is entitled to an initial appearance within a reasonable time  
6 after being arrested or cited.

7 **SECTION 662.** 971.015 (4) of the statutes is created to read:

8 971.015 (4) DISCOVERY BEFORE THE INITIAL APPEARANCE. The district attorney  
9 may provide discovery before the initial appearance.

10 **SECTION 663.** 971.02 of the statutes is renumbered 971.052, and 971.052 (1)  
11 and (2) (intro.), (a), (b) and (c), as renumbered, are amended to read:

12 971.052 (1) If the defendant is charged with a felony in any complaint,  
13 including a complaint issued under s. ~~968.26~~ 968.105, or when the defendant has  
14 been returned to this state for prosecution through extradition proceedings under ch.  
15 976, or any indictment, no information or indictment shall be filed until the  
16 defendant has had a preliminary examination, unless the defendant waives such  
17 examination in writing or in open court or unless the defendant is a corporation or  
18 limited liability company. The omission of the preliminary examination shall not  
19 invalidate any information unless the defendant moves to dismiss prior to the entry  
20 of a plea.

21 (2) (intro.) Upon motion and for cause shown, the trial court may remand the  
22 case for a preliminary examination. "Cause" means all of the following:

23 (a) The preliminary examination was waived; ~~and,~~

24 (b) Defendant did not have advice of counsel prior to such waiver; ~~and,~~

25 (c) Defendant denies that probable cause exists to hold him or her for trial; ~~and,~~

1           **SECTION 664.** 971.027 of the statutes, as created by 2015 Supreme Court Order  
2 14-04, is renumbered 971.0525.

3           **SECTION 665.** 971.028 (intro.) of the statutes is created to read:

4           **971.028 Duties at the initial appearance.** (intro.) All of the following shall  
5 occur at the initial appearance:

6           **SECTION 666.** 971.028 (1m) and (4) of the statutes are created to read:

7           971.028 **(1m)** PROBABLE CAUSE DETERMINATION. The court shall determine  
8 whether the facts alleged in the complaint establish probable cause to believe that  
9 the defendant committed the crime charged. In a misdemeanor case, if probable  
10 cause exists as to at least one count of the complaint, the court may set a date for  
11 further proceedings. Notwithstanding a finding of probable cause under this  
12 subsection, the defendant may move to dismiss a complaint or any count in a  
13 complaint based on lack of probable cause by filing a motion under s. 971.65.

14           **(4) REQUEST FOR AND ENTRY OF PLEA.** The court shall ask for the defendant's plea  
15 to the charges in the complaint. If the defendant stands mute or refuses to plead to  
16 any charge, the court shall direct the entry of a plea of not guilty on the defendant's  
17 behalf.

18           **SECTION 667.** 971.03 of the statutes is renumbered 971.053.

19           **SECTION 668.** 971.035 of the statutes is created to read:

20           **971.035 Discovery at the initial appearance. (1) MATERIAL IN THE DISTRICT**  
21 **ATTORNEY'S POSSESSION.** At the initial appearance, the district attorney shall disclose,  
22 if in the district attorney's possession, law enforcement investigative reports relating  
23 to the case and a copy of the defendant's criminal record.

24           **(2) TIME OF DISCLOSURE.** Disclosure under this section shall be made after the  
25 defendant has obtained or waived legal representation.

1           **(3) DELAY FOR GOOD CAUSE SHOWN.** The court may allow a delay in disclosure  
2 under this section for good cause shown, except that the court shall delay disclosure  
3 under this section if the court determines that providing the information under sub.  
4 (1) may endanger victims or witnesses.

5           **SECTION 669.** 971.038 of the statutes is created to read:

6           **971.038 Time limits for motions and requests for substitution.** No later  
7 than 10 days after the initial appearance, the defendant may file any motions that  
8 might otherwise be waived by the entry of the plea or a request for substitution of  
9 a judge under s. 967.16.

10          **SECTION 670.** 971.04 (title) of the statutes is renumbered 967.13 (title).

11          **SECTION 671.** 971.04 (1) (intro.) of the statutes is renumbered 967.13 (1) (intro.)  
12 and amended to read:

13           967.13 (1) (intro.) Except as provided in subs. (2) and (3), ~~the~~ or s. 967.14, or  
14 subch. III of ch. 885, a defendant who is an individual shall be present for all of the  
15 following:

16          **SECTION 672.** 971.04 (1) (a) of the statutes is repealed.

17          **SECTION 673.** 971.04 (1) (b), (c), (d), (e), (f), (g) and (h) of the statutes are  
18 renumbered 967.13 (1) (c), (d), (e), (f), (g), (h) and (j) and amended to read:

19           967.13 (1) (c) At The trial;.

20           (d) During The voir dire of the trial jury;.

21           (e) At any Any evidentiary hearing;.

22           (f) At any Any view by the jury;.

23           (g) ~~When the jury returns its~~ The return of the jury's verdict;.

24           (h) ~~At the pronouncement~~ The granting of judgment and ~~the imposition of~~  
25 sentence;.

1 (j) ~~At any~~ Any other proceeding when ordered by the court.

2 **SECTION 674.** 971.04 (2) of the statutes is renumbered 967.13 (2) and amended  
3 to read:

4 967.13 (2) A defendant charged with a misdemeanor may authorize his or her  
5 attorney in writing to act on ~~his or her~~ the defendant's behalf in any manner and,  
6 with leave of the court, and may be excused from attendance at attending any or all  
7 proceedings proceeding except entry of a plea of guilty or no contest, sentencing, or  
8 a proceeding at which a right personal to the defendant is waived.

9 **SECTION 675.** 971.04 (3) of the statutes is renumbered 967.13 (3) and amended  
10 to read:

11 967.13 (3) If the defendant is present ~~at the beginning of the trial when~~  
12 jeopardy attaches and thereafter, during the progress of the trial or before the verdict  
13 of the jury has been returned into court, voluntarily absents himself or herself from  
14 the presence of the court without leave of the court, the trial or return of verdict of  
15 the jury in the case shall not thereby be postponed or delayed, but and the trial or  
16 submission of said the case to the jury for verdict and the return of verdict ~~thereon~~,  
17 if required, shall proceed in all respects as though the defendant were present in  
18 court at all times. ~~A defendant need not be present at the pronouncement or entry~~  
19 ~~of an order granting or denying relief under s. 974.02, 974.06, or 974.07. If the~~  
20 ~~defendant is not present, the time for appeal from any order under ss. 974.02, 974.06,~~  
21 ~~and 974.07 shall commence after a copy has been served upon the attorney~~  
22 ~~representing the defendant, or upon the defendant if he or she appeared without~~  
23 ~~counsel. Service of such an order shall be complete upon mailing. A defendant~~  
24 ~~appearing without counsel shall supply the court with his or her current mailing~~  
25 ~~address. If the defendant fails to supply the court with a current and accurate~~

1 ~~mailing address, failure to receive a copy of the order granting or denying relief shall~~  
2 ~~not be a ground for tolling the time in which an appeal must be taken.~~

3 **SECTION 676.** 971.042 (7) (intro.) of the statutes is created to read:

4 971.042 (7) (intro.) At the preliminary examination, the court shall do one of  
5 the following:

6 **SECTION 677.** 971.05 of the statutes is renumbered 970.17, and 970.17 (2) and  
7 (4), as renumbered, are amended to read:

8 970.17 (2) If the defendant appears for arraignment without counsel, the court  
9 shall advise the defendant of the defendant's right to counsel as provided in s. ~~970.02~~  
10 971.028 (1).

11 (4) The defendant then shall plead unless in accordance with s. ~~971.31~~ 971.65  
12 the defendant has filed a motion which requires determination before the entry of  
13 a plea. The court may extend the time for the filing of such motion.

14 **SECTION 678.** Subchapter II (title) of chapter 971 [precedes 971.06] of the  
15 statutes is created to read:

16 **CHAPTER 971**

17 **SUBCHAPTER II**

18 **PLEAS**

19 **SECTION 679.** 971.06 (1) of the statutes is renumbered 971.06, and 971.06 (1),  
20 (2), (3) and (4), as renumbered, are amended to read:

21 971.06 (1) Guilty, which means that the defendant admits the facts necessary  
22 to constitute the crime.

23 (2) Not guilty, which means that the defendant denies the facts necessary to  
24 constitute the crime. A plea of not guilty requires the state to prove the facts  
25 necessary to constitute the crime beyond a reasonable doubt.

1           (3) No contest, ~~subject to the approval of the court~~ which means that the  
2 defendant does not contest the state's ability to prove the facts necessary to  
3 constitute the crime. The court may refuse to allow the entry of a no contest plea after  
4 consideration of the views of the parties and the public interest in the administration  
5 of justice.

6           (4) Not guilty by reason of mental disease or defect. This plea may be joined  
7 with a plea of not guilty. If it is not so joined, this plea admits that but for lack of  
8 mental capacity the defendant committed all the essential elements of the offense  
9 charged in the indictment, information, or complaint.

10           **SECTION 680.** 971.06 (2) of the statutes is repealed.

11           **SECTION 681.** 971.06 (3) of the statutes is repealed.

12           **SECTION 682.** 971.065 of the statutes is created to read:

13           **971.065 Plea agreements. (1)** The district attorney and the defendant may  
14 participate in discussions to reach an agreement that if the defendant enters a plea  
15 of guilty or no contest the district attorney shall take or refrain from taking certain  
16 actions, including one or more of the following:

17           (a) Moving to dismiss or amend one or more charges.

18           (b) Reading in any crime that is uncharged or that is dismissed as part of the  
19 agreement.

20           (c) Recommending, or agreeing not to oppose the defendant's request for, a  
21 particular disposition.

22           (d) Agreeing that a specific disposition is appropriate.

23           (2) The court may not participate in discussions to reach an agreement under  
24 this section.

25           **SECTION 683.** 971.07 of the statutes is repealed.

1           **SECTION 684.** 971.08 (title) of the statutes is amended to read:

2           **971.08** (title) **Pleas Accepting pleas of guilty and or no contest;**  
3 **withdrawal thereof.**

4           **SECTION 685.** 971.08 (1) (a) of the statutes is renumbered 971.08 (1) (ar) and  
5 amended to read:

6           971.08 (1) (ar) Address the defendant personally and determine that the  
7 defendant is making the plea is made knowingly, voluntarily, and with  
8 understanding of the meaning and effect of the plea, the nature of the charge crime  
9 to which the plea is entered, and the potential punishment if convicted.

10          **SECTION 686.** 971.08 (1) (ag) of the statutes is created to read:

11          971.08 (1) (ag) Require the parties to disclose any plea agreement in open court  
12 or, on a showing of good cause, in camera. Before accepting the plea, the court may  
13 express any reservations it has concerning the appropriateness of any recommended  
14 disposition and shall advise the defendant personally that the court is not bound by  
15 the terms of the plea agreement.

16          **SECTION 687.** 971.08 (1) (am) of the statutes is created to read:

17          971.08 (1) (am) Ask the defendant to state his or her plea on the record.

18          **SECTION 688.** 971.08 (1) (b) of the statutes is repealed and recreated to read:

19          971.08 (1) (b) Make an inquiry sufficient to satisfy the court that there is a  
20 factual basis for a judgment of conviction of the crime to which the plea is entered.

21          **SECTION 689.** 971.08 (1) (d) of the statutes is amended to read:

22          971.08 (1) (d) Inquire of the district attorney whether he or she has complied  
23 with s. 971.095 (2) and (3).

24          **SECTION 690.** 971.08 (3) of the statutes is repealed.

25          **SECTION 691.** 971.09 of the statutes is repealed and recreated to read:

1           **971.09 Consolidation; plea to or read-in of crimes committed in several**  
2           **counties. (1)** IN GENERAL. Consolidation refers to the process by which charged or  
3           uncharged crimes pending in more than one county are resolved in a single  
4           proceeding in one county. Consolidation is a voluntary procedure, requiring the  
5           consent of the defendant and the district attorneys for all counties whose charges are  
6           resolved. Consolidated charged or uncharged crimes shall be resolved by the entry  
7           of a plea of guilty or no contest or by an agreement that charged or uncharged crimes  
8           be treated as read-in crimes. A defendant who has already been convicted of but not  
9           sentenced for a crime may apply for consolidation of any pending or uncharged crime  
10          committed.

11           **(2)** APPLICATION FOR CONSOLIDATION. A defendant may apply to the district  
12          attorney for a county in which a charge against the defendant is pending to resolve  
13          in a single proceeding in one county any pending cases. In the application, the  
14          defendant shall describe with particularity all the crimes that the defendant seeks  
15          to resolve in the single proceeding, indicate the county in which each of the crimes  
16          was committed, and indicate the county in which the defendant requests final  
17          disposition.

18           **(3)** NOTICE AND CONSENT. A district attorney who receives an application under  
19          sub. (2) shall send a copy of the application to the district attorney for each county  
20          in which a crime indicated in the application was committed. A district attorney who  
21          receives a copy of the application may execute a written consent to having any crime  
22          indicated in the application that is subject to disposition in his or her county resolved  
23          in a proceeding in another county. If a district attorney does not consent to having  
24          a crime that is subject to disposition in his or her county resolved in another county,  
25          the crime may not be resolved under this section.

1           **(4) AMENDING THE CHARGE; PLEA; READ-IN CRIMES.** (a) If the district attorney to  
2 whom the defendant submitted the application under sub. (2) consents to resolving  
3 a case that is subject to disposition in his or her county in a single proceeding under  
4 this section, the district attorney shall file an amended complaint or information that  
5 charges the defendant with all crimes identified in consents executed under sub. (3)  
6 that are not to be treated as read-in crimes.

7           (b) To resolve crimes charged in the amended complaint or information under  
8 par. (a) in a single proceeding, the defendant shall waive in writing or on the record  
9 any right to be tried in the county in which a crime charged in the amended complaint  
10 or information was committed and enter a plea of guilty or no contest to each crime  
11 charged in the amended complaint or information.

12           (c) To resolve read-in crimes under this section, the defendant shall affirm his  
13 or her agreement to having the crimes considered at sentencing.

14           (d) A district attorney who executed a consent under sub. (3) need not be  
15 present when the defendant enters his or her plea but the district attorney's written  
16 consent shall be filed with the court.

17           (e) A charge that originated in a county may not be amended or dismissed  
18 without prior written approval of the district attorney for the county in which the  
19 charge originated.

20           **(5) JUDGMENT.** If it accepts the defendant's plea, the court shall enter judgment  
21 and sentence the defendant as though all crimes charged in the amended complaint  
22 or information were alleged to have been committed in the county where judgment  
23 is entered and may consider at sentencing any read-in crimes affirmed under sub.  
24 (4) (c). The clerk of the court for the county in which judgment is entered shall file  
25 a copy of the judgment of conviction with the clerk of the court for each other county

1 in which charges addressed in the judgment or treated as read-in crimes originated.  
2 The district attorney for each of the other counties shall then move to dismiss any  
3 charges that are pending in his or her county against the defendant for charges  
4 addressed in the judgment or as treated as read-in crimes.

5 (6) RIGHTS OF CRIME VICTIMS. The duties of the district attorney under ch. 950  
6 and s. 971.095 shall be discharged by the district attorney for the county in which the  
7 crimes occurred, unless otherwise agreed to by the participating district attorneys.

8 (7) PROSECUTION COSTS. The county in which the plea is made shall pay the costs  
9 of prosecution if the defendant does not pay them, and is entitled to retain fees for  
10 receiving and paying to the state any fine that the defendant may pay. The clerk  
11 where the plea is made shall file a copy of the judgment of conviction with the clerk  
12 in each county where a crime covered by the plea was committed. The district  
13 attorney shall then move to dismiss any charges covered by the plea of guilty, which  
14 are pending against the defendant in the district attorney's county, and the charges  
15 shall be dismissed.

16 **SECTION 692.** 971.093 of the statutes is created to read:

17 **971.093 Withdrawal of a plea of guilty or no contest.** (1) BEFORE  
18 SENTENCING. Unless the district attorney establishes substantial prejudice, the court  
19 shall grant a motion that is made before sentencing to withdraw a plea of guilty or  
20 no contest if a fair and just reason for doing so is established.

21 (2) AFTER SENTENCING. The court shall grant a motion that is made after  
22 sentencing to withdraw a plea of guilty or no contest if the defendant did not  
23 knowingly, voluntarily, and understandingly enter the plea or if withdrawal is  
24 required to prevent manifest injustice.





1 will be released to extended supervision, or the approximate discharge or conditional  
2 release date, and prior decision relating to parole date on which the inmate will be  
3 discharged. If the inmate is already eligible for parole, the request shall describe any  
4 prior decision relating to parole. If there has been no preliminary examination on  
5 the pending case, the request shall state whether the inmate waives such the  
6 preliminary examination, and, if so, shall be accompanied by a written waiver signed  
7 by the inmate.

8 **SECTION 698.** 971.11 (2) and (3) of the statutes are consolidated, renumbered  
9 971.11 (2) and amended to read:

10 971.11 (2) If the crime charged in the pending case is a felony, the district  
11 attorney shall either move to dismiss the ~~pending~~ case or arrange a date for  
12 preliminary examination as soon as convenient and notify the warden or  
13 superintendent of the ~~prison thereof~~, date unless ~~such~~ the preliminary examination  
14 has already been held or has been waived. After the preliminary examination or  
15 upon waiver ~~thereof~~ of the preliminary examination, the district attorney shall file  
16 an information, unless it has already been filed, and mail a copy ~~thereof~~ of the  
17 information to the warden or superintendent for service on the inmate. The district  
18 attorney shall bring the case on for trial within 120 days after ~~receipt of~~ receiving the  
19 request, subject to s. 971.10. ~~(3)~~ If the crime charged in the pending case is a  
20 misdemeanor, the district attorney shall either move to dismiss the ~~charge~~ case or  
21 bring it on for trial within 90 days after ~~receipt of~~ receiving the request.

22 **SECTION 699.** 971.11 (5) of the statutes is amended to read:

23 971.11 (5) If the defendant wishes to plead guilty to cases pending in more than  
24 one county, the ~~several~~ district attorneys involved may agree with the defendant and

1 among themselves for all such pleas to be received in the appropriate court of one of  
2 such counties, and s. 971.09 shall govern the procedure thereon so far as applicable.

3 **SECTION 700.** 971.11 (6) of the statutes is amended to read:

4 971.11 (6) The prisoner shall be delivered warden or superintendent of the  
5 prison shall deliver the inmate into the custody of the sheriff of the county in which  
6 the charge is pending for transportation to the court, and the prisoner shall be  
7 retained in that sheriff shall retain custody of the inmate during all proceedings  
8 under this section. The sheriff shall return the prisoner inmate to the prison upon  
9 the completion of the proceedings and during any adjournments or continuances and  
10 between the preliminary examination and the trial, except that, if the department  
11 of corrections certifies a jail as being suitable to detain the prisoner inmate, he or she  
12 may be detained there until the court disposes of the case. The prisoner's inmate's  
13 existing sentence continues to run and he or she receives time credit under s. 302.11  
14 while in custody.

15 **SECTION 701.** 971.11 (7) of the statutes is amended to read:

16 971.11 (7) If the district attorney moves to dismiss any pending case ~~or if it is~~  
17 ~~not brought on for trial~~ to which a request under sub. (1) relates or does not bring the  
18 case on for trial within the time specified in sub. (2) ~~or (3)~~, the case court shall be  
19 ~~dismissed~~ dismiss the case unless the defendant has escaped or otherwise prevented  
20 the trial, in which case the request for disposition of the case shall be deemed  
21 withdrawn and of no further legal effect. Nothing in this section prevents a trial after  
22 the period specified in sub. (2) ~~or (3)~~ if a trial commenced within such period  
23 terminates in a mistrial or a new trial is granted.

24 **SECTION 702.** 971.12 (title) of the statutes is renumbered 970.13 (title).

1           **SECTION 703.** 971.12 (1) and (2) of the statutes are renumbered 970.13 (1)  
2 (intro.) and (2) and amended to read:

3           **970.13 (1) JOINDER OF CRIMES.** (intro.) Two or more crimes may be charged in  
4 the same complaint, or information or indictment in a separate count for each crime  
5 if the crimes charged, whether felonies or misdemeanors, or both, if each is described  
6 in a separate count and if any of the following applies:

7           (a) The crimes are of the same or similar character or,

8           (b) The crimes are based on the same act or transaction or on 2,

9           (c) The crimes are based on 2 or more acts or transactions connected together  
10 or constituting parts of a common scheme or plan. When a misdemeanor is joined  
11 with a felony, the trial shall be in the court with jurisdiction to try the felony.

12           **(2) JOINDER OF DEFENDANTS.** Two or more defendants may be charged in the  
13 same complaint, or information or indictment if they are alleged to have participated  
14 in the same act or transaction or in the same series of acts or transactions  
15 constituting one or more crimes. Such defendants may be charged in one or more  
16 counts together or separately and all of the defendants need not be charged in each  
17 count.

18           **SECTION 704.** 971.12 (3) of the statutes is renumbered 971.68 (2) and amended  
19 to read:

20           **971.68 (2) RELIEF FROM PREJUDICIAL JOINDER.** If it appears that a defendant or  
21 the state is prejudiced by a joinder of crimes or of defendants in a complaint,  
22 information or indictment or by such joinder for trial together, the court may order  
23 separate trials of counts, grant a severance of charges or defendants or provide  
24 whatever other relief justice requires. The district attorney shall advise the court  
25 prior to trial if the district attorney intends to use the statement of a codefendant

1 ~~which implicates another defendant in the crime charged. Thereupon, the judge~~  
2 ~~shall grant a severance as to any such defendant.~~

3 **SECTION 705.** 971.12 (4) of the statutes is renumbered 971.67, and 971.67  
4 (title), as renumbered, is amended to read:

5 **971.67** (title) ~~Trial together~~ **Joint trial of separate charges.**

6 **SECTION 706.** 971.13 of the statutes is renumbered 971.80, and 971.80 (3) and  
7 (4), as renumbered, are amended to read:

8 971.80 (3) The fact that a defendant is not competent to proceed does not  
9 preclude any legal objection to the prosecution under s. ~~971.31 which~~ 971.65 that is  
10 susceptible of fair determination prior to trial and without the personal participation  
11 of the defendant.

12 (4) The fact that a defendant is not competent to proceed does not preclude a  
13 hearing under s. ~~968.38~~ 968.725 (4) or (5) unless the court cannot fairly make the  
14 probable cause finding required ~~to be made at the hearing cannot be fairly made~~  
15 under s. 968.725 (4) or (5), whichever is applicable, without the personal  
16 participation of the defendant.

17 **SECTION 707.** 971.14 of the statutes is renumbered 971.81, and 971.81 (1r) (c)  
18 and (6) (d), as renumbered, are amended to read:

19 971.81 (1r) (c) Except as provided in par. (b), the court shall not proceed under  
20 sub. (2) until it has found that it is probable that the defendant committed the offense  
21 charged. The finding may be based upon the complaint or, if the defendant submits  
22 an affidavit alleging with particularity that the averments of the complaint are  
23 materially false, upon the complaint and the evidence presented at a hearing ordered  
24 by the court. The defendant may call and cross-examine witnesses at a hearing  
25 under this paragraph but the court shall limit the issues and witnesses to those

1 required for determining probable cause. Upon a showing by the proponent of good  
2 cause under s. 807.13 (2) (c), testimony may be received into the record of the hearing  
3 by telephone or live audiovisual means. If the court finds that any charge lacks  
4 probable cause, it shall dismiss the charge without prejudice and release the  
5 defendant except as provided in s. ~~971.31 (6)~~ 971.65 (5).

6 **(6)** (d) Counsel who have received notice under par. (c) or who otherwise obtain  
7 information that a defendant discharged under par. (a) may have become competent  
8 may move the court to order that the defendant undergo a competency examination  
9 under sub. (2). If the court so orders, a report shall be filed under sub. (3) and a  
10 hearing held under sub. (4). If the court determines that the defendant is competent,  
11 the criminal proceeding shall be resumed. If the court determines that the defendant  
12 is not competent, it shall release him or her but may impose such reasonable  
13 nonmonetary conditions as will protect the public and enable the court and district  
14 attorney to discover whether the ~~person~~ defendant subsequently becomes  
15 competent.

16 **SECTION 708.** 971.15 of the statutes is renumbered 971.82, and 971.82 (2), as  
17 renumbered, is amended to read:

18 971.82 **(2)** As used in this chapter, the ~~terms~~ term “mental disease or defect”  
19 ~~do~~ does not include an abnormality manifested only by repeated criminal or  
20 otherwise antisocial conduct.

21 **SECTION 709.** 971.16 of the statutes is renumbered 971.83.

22 **SECTION 710.** 971.165 of the statutes is renumbered 971.84, and 971.84 (3) (a)  
23 and (b), as renumbered, are amended to read:

1           971.84 **(3)** (a) If a defendant is not found not guilty by reason of mental disease  
2 or defect, the court shall enter a judgment of conviction and shall either impose or  
3 withhold sentence under s. ~~972.13~~ 978.28 (2).

4           (b) If a defendant is found not guilty by reason of mental disease or defect, the  
5 court shall enter a judgment of not guilty by reason of mental disease or defect. The  
6 court shall thereupon proceed under s. ~~971.17~~ 971.85. A judgment entered under this  
7 paragraph is interlocutory to the commitment order entered under s. ~~971.17~~ 971.85  
8 and reviewable upon appeal ~~therefrom~~.

9           **SECTION 711.** 971.17 of the statutes, as affected by 2013 Wisconsin Act 20, is  
10 renumbered 971.85, and 971.85 (2) (a) and (3) (b) and (c), as renumbered, are  
11 amended to read:

12           971.85 **(2)** (a) The court shall enter an initial commitment order under this  
13 section pursuant to a hearing held as soon as practicable after the judgment of not  
14 guilty by reason of mental disease or mental defect is entered. If the court lacks  
15 sufficient information to make the determination required by sub. (3) immediately  
16 after trial, it may adjourn the hearing and order the department of health services  
17 to conduct a predisposition investigation using the procedure in s. ~~972.15~~ 973.004 or  
18 a supplementary mental examination or both, to assist the court in framing the  
19 commitment order.

20           **(3)** (b) If the state proves by clear and convincing evidence that the person is  
21 not competent to refuse medication or treatment for the person's mental condition,  
22 under the standard specified in s. ~~971.16~~ 971.83 (3), the court shall issue, as part of  
23 the commitment order, an order that the person is not competent to refuse  
24 medication or treatment for the person's mental condition and that whoever

1 administers the medication or treatment to the person shall observe appropriate  
2 medical standards.

3 (c) If the court order specifies institutional care, the department of health  
4 services shall place the person in an institution under s. 51.37 (3) that the  
5 department considers appropriate in light of the rehabilitative services required by  
6 the person and the protection of public safety. If the person is not subject to a court  
7 order determining the person to be not competent to refuse medication or treatment  
8 for the person's mental condition and if the institution in which the person is placed  
9 determines that the person should be subject to such a court order, the institution  
10 may file with the court, with notice to the person and his or her counsel and the  
11 district attorney, a motion for a hearing, under the standard specified in s. 971.16  
12 971.83 (3), on whether the person is not competent to refuse medication or treatment.

13 A report on which the motion is based shall accompany the motion and notice of  
14 motion and shall include a statement signed by a licensed physician that asserts that  
15 the person needs medication or treatment and that the person is not competent to  
16 refuse medication or treatment, based on an examination of the person by a licensed  
17 physician. Within 10 days after a motion is filed under this paragraph, the court  
18 shall determine the person's competency to refuse medication or treatment for the  
19 person's mental condition. At the request of the person, his or her counsel or the  
20 district attorney, the hearing may be postponed, but in no case may the postponed  
21 hearing be held more than 20 days after a motion is filed under this paragraph. If  
22 the district attorney, the person and his or her counsel waive their respective  
23 opportunities to present other evidence on the issue, the court shall determine the  
24 person's competency to refuse medication or treatment on the basis of the report  
25 accompanying the motion. In the absence of these waivers, the court shall hold an

1 evidentiary hearing on the issue. If the state proves by evidence that is clear and  
2 convincing that the person is not competent to refuse medication or treatment, under  
3 the standard specified in s. ~~971.16~~ 971.83 (3), the court shall order that the person  
4 is not competent to refuse medication or treatment for the person's mental condition  
5 and that whoever administers the medication or treatment to the person shall  
6 observe appropriate medical standards.

7 **SECTION 712.** 971.18 of the statutes is renumbered 971.86.

8 **SECTION 713.** 971.19 of the statutes, as affected by 2015 Wisconsin Act 89, is  
9 renumbered 970.14, and 970.14 (title), (1), (2), (3), (4), (5), (6), (8), (9) (intro.), (10),  
10 (11) and (12), as renumbered, are amended to read:

11 **970.14** (title) **Place of trial Venue.** (1) ~~Criminal actions~~ Trials shall be tried  
12 in the county where the crime was committed, except as otherwise provided in this  
13 section or in s. 971.09.

14 (2) Where ~~2 or more acts are requisite to the commission of any offense~~ crime  
15 requires 2 or more acts, the trial may be in any county in which any of such acts  
16 occurred. In a case involving a charge of conspiracy under s. 939.31, the trial may  
17 be in any county in which a conspiratorial act took place.

18 (3) Where an offense a crime is committed on or within one-fourth of a mile of  
19 the boundary of 2 or more counties, the defendant ~~may be tried~~ trial may be in any  
20 of such counties.

21 (4) If a crime is committed in, on, by use of, or against any vehicle passing  
22 through or within this state, and it cannot readily be determined in which county the  
23 crime was committed, the defendant ~~may be tried~~ trial may be in any county ~~through~~  
24 ~~which such vehicle has passed or in the county where the defendant's travel~~  
25 commenced or terminated in which the vehicle has traveled.

1           **(5)** If the act causing death is in one county and the death ensues in another,  
2 the ~~defendant may be tried~~ trial may be in either county. If neither location can  
3 readily be determined, the ~~defendant may be tried~~ trial may be in the county where  
4 the body is found.

5           **(6)** If an offense is commenced outside the state and is consummated within  
6 the state, the ~~defendant may be tried~~ trial may be in the county where the offense  
7 was consummated.

8           **(8)** In an action for a violation of s. 948.31, the ~~defendant may be tried~~ trial may  
9 be in the county where the crime was committed or the county of lawful residence of  
10 the child.

11           **(9)** (intro.) In an action under s. 301.45 (6) (a) or (ag), the ~~defendant may be tried~~  
12 trial may be in the defendant's county of residence at the time that the complaint is  
13 filed. If the defendant does not have a county of residence in this state at the time  
14 that the complaint is filed, or if the defendant's county of residence is unknown at the  
15 time that the complaint is filed, ~~defendant may be tried~~ trial may be in any of the  
16 following counties:

17           **(10)** In an action under s. 23.33 (2h), 30.547, or 350.12 (3i) for intentionally  
18 falsifying an application for a certificate of number, a registration, or a certificate of  
19 title, the ~~defendant may be tried~~ trial may be in the defendant's county of residence  
20 at the time that the complaint is filed, in the county where the defendant purchased  
21 the all-terrain vehicle, utility terrain vehicle, boat, or snowmobile if purchased from  
22 a dealer or the county where the department of natural resources received the  
23 application.

24           **(11)** In an action under s. 943.201, the ~~defendant may be tried~~ trial may be in  
25 the county where the victim or intended victim resided at the time of the offense or

1 in any other county designated under this section. In an action under s. 943.203, the  
2 ~~defendant may be tried~~ trial may be in the county where the victim or intended victim  
3 was located at the time of the offense or in any other county designated under this  
4 section.

5 (12) Except as provided in s. ~~971.223~~ 971.72, in an action for a violation of chs.  
6 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, or for a violation of any other law  
7 arising from or in relation to the official functions of the subject of the investigation  
8 or any matter that involves elections, ethics, or lobbying regulation under chs. 5 to  
9 12, subch. III of ch. 13, or subch. III of ch. 19 a ~~defendant who is~~ trial for a resident  
10 of this state shall be ~~tried in circuit~~ the court for the county where the ~~defendant~~  
11 person resides. For purposes of this subsection, a person other than a natural person  
12 resides within a county if the person's principal place of operation is located within  
13 that county.

14 **SECTION 714.** 971.20 of the statutes is renumbered 967.16, and 967.16 (9) and  
15 (10), as renumbered, are amended to read:

16 967.16 (9) JUDGE'S AUTHORITY TO ACT. Upon the filing of a request for  
17 substitution in proper form and within the proper time, the judge whose substitution  
18 has been requested has no authority to act further in the action except to conduct the  
19 initial appearance, accept pleas, and set ~~bail~~ conditions of release.

20 (10) FORM OF REQUEST. A request for substitution of a judge may be made in the  
21 following form:

22 STATE OF WISCONSIN

23 CIRCUIT COURT

24 .... County

25 State of Wisconsin

1 vs.

2 ....(Defendant)

3 Pursuant to s. ~~971.20~~ 967.16 the defendant (or defendants) request (s) a  
4 substitution for the Hon. .... as judge in the above entitled action.

5 Dated ....., .... (year)

6 ....(Signature of defendant or defendant's attorney)

7 **SECTION 715.** 971.22 of the statutes is renumbered 971.70, and 971.70 (2) and  
8 (3), as renumbered, are amended to read:

9 971.70 (2) The motion shall be in writing and supported by an affidavit ~~which~~  
10 ~~shall state~~ stating evidentiary facts showing the nature of the prejudice alleged. The  
11 district attorney may file counter affidavits.

12 (3) If the court determines that ~~there exists~~ prejudice in the county where the  
13 action is pending ~~such prejudice that will prevent~~ a fair trial ~~cannot be had~~, it shall  
14 order that conduct the trial ~~be held~~ in any county where ~~an impartial~~ a fair trial can  
15 be had. ~~Only one change may be granted under this subsection. The judge who~~  
16 ~~orders the change in the place of trial shall preside at the trial. Preliminary matters~~  
17 ~~prior to trial may be conducted in either county at the discretion of the court. The~~  
18 ~~judge or, if the requirements under s. 971.71 (1) are satisfied, order the selection of~~  
19 a jury from another county under s. 971.71 (2). If the court conducts the trial in  
20 another county, it shall determine where the defendant, if he or she is in custody,  
21 shall be held and where the record shall be kept. If the criteria under s. 971.225 (1)  
22 (a) to (c) exist, the court may proceed under s. 971.225 (2) The court, in its discretion,  
23 may conduct pretrial matters in either county.

24 **SECTION 716.** 971.223 of the statutes is renumbered 971.72, and 971.72 (3) and  
25 (4), as renumbered, are amended to read:

1           971.72 (3) This section does not affect which prosecutor has responsibility  
2 under s. 978.05 (1) to prosecute criminal actions arising from violations described  
3 under sub. (1).

4           (4) This section does not affect the application of s. ~~971.22~~ 971.70. In actions  
5 described under sub. (1), the court may enter an order under s. ~~971.225~~ 971.71 only  
6 if the order is agreed to by the defendant.

7           **SECTION 717.** 971.225 (title) of the statutes is renumbered 971.71 (title).

8           **SECTION 718.** 971.225 (1) (intro.), (a) and (c) of the statutes are renumbered  
9 971.71 (1) (intro.), (a) and (b), and 971.71 (1) (intro.) and (a), as renumbered, are  
10 amended to read:

11           971.71 (1) (intro.) ~~In lieu of~~ If there are grounds for changing the place of trial  
12 under s. ~~971.22 (3) or 971.223~~ 971.70 (3) or 971.72 and all of the following conditions  
13 are satisfied, the court may require the selection of a jury under sub. (2) if:

14           (a) The court has decided to sequester the jurors after the commencement of  
15 the trial, as provided in s. ~~972.12;~~ 972.05.

16           **SECTION 719.** 971.225 (1) (b) of the statutes is repealed.

17           **SECTION 720.** 971.225 (2) of the statutes is renumbered 971.71 (2) and amended  
18 to read:

19           971.71 (2) If the court decides to proceed under this section it shall follow the  
20 procedure under s. ~~971.22~~ 971.70 until the jury is chosen in the 2nd county. At that  
21 time, the proceedings shall return to the original county using the jurors selected in  
22 the 2nd county. The original county shall reimburse the 2nd county for all applicable  
23 costs under s. 814.22.

24           **SECTION 721.** 971.23 of the statutes is renumbered 971.43, and 971.43 (1) (a)  
25 and (bm), (5), (6) and (6c), as renumbered, are amended to read:

1           971.43 (1) (a) Any written or recorded statement concerning the alleged crime  
2 made by the defendant, including the testimony of the defendant in a secret  
3 proceeding under s. ~~968.26~~ 968.105 or before a grand jury, and the names of  
4 witnesses to the defendant's written statements.

5           (bm) Evidence obtained in the manner described under s. ~~968.31~~ 968.345 (2)  
6 (b), if the district attorney intends to use the evidence at trial.

7           **(5) SCIENTIFIC TESTING.** On motion of a party subject to s. ~~971.31~~ ~~(5)~~ 971.65 (2)  
8 (b), the court may order the production of any item of physical evidence which is  
9 intended to be introduced at the trial for scientific analysis under such terms and  
10 conditions as the court prescribes.

11           **(6) PROTECTIVE ORDER.** Upon motion of a party, the court may at any time order  
12 that discovery, inspection or the listing of witnesses required under this section be  
13 denied, restricted or deferred, or make other appropriate orders. If the district  
14 attorney or defense counsel certifies that to list a witness may subject the witness  
15 or others to physical or economic harm or coercion, the court may order that the  
16 deposition of the witness be taken pursuant to s. ~~967.04~~ 967.21 (2) to (6). The name  
17 of the witness need not be divulged prior to the taking of such deposition. If the  
18 witness becomes unavailable or changes his or her testimony, the deposition shall be  
19 admissible at trial as substantive evidence.

20           **(6c) INTERVIEWS OF VICTIMS BY DEFENSE.** Except as provided in s. ~~967.04~~ 967.21,  
21 the defendant or his or her attorney may not compel a victim of a crime to submit to  
22 a pretrial interview or deposition.

23           **SECTION 722.** 971.26 of the statutes is renumbered 970.11.

24           **SECTION 723.** 971.27 of the statutes is renumbered 970.12 and amended to  
25 read:

1           **970.12 Lost or destroyed information, or complaint or indictment.** In  
2 the case of the loss or destruction of an information or complaint If a complaint or  
3 information is lost or destroyed, the district attorney may file a copy, and the  
4 prosecution shall proceed without delay from that cause. In the case of the loss or  
5 destruction of an indictment, an information may be filed which shall have the same  
6 effect as the original.

7           **SECTION 724.** 971.29 (title) of the statutes is renumbered 970.09 (title) and  
8 amended to read:

9           **970.09 (title) Amending the charge complaint or information.**

10           **SECTION 725.** 971.29 (1) of the statutes is renumbered 970.09 (1) and amended  
11 to read:

12           970.09 (1) ~~A complaint or information may be amended at any time prior to~~  
13 At any time before arraignment, the district attorney may amend the complaint or  
14 information without leave of the court.

15           **SECTION 726.** 971.29 (2) of the statutes is renumbered 970.09 (3) and amended  
16 to read:

17           970.09 (3) ~~At the trial, the~~ The court may allow amendment of the district  
18 attorney to amend the complaint, indictment or information at trial to conform to the  
19 proof where such amendment is not prejudicial to the defendant.

20           **(4)** After verdict the ~~pleading~~ complaint or information shall be deemed  
21 amended as to technical variances to conform to the proof if no objection to the  
22 relevance of the evidence was timely raised upon the trial.

23           **SECTION 727.** 971.29 (3) of the statutes is repealed.

24           **SECTION 728.** 971.30 (title) and (1) of the statutes are repealed.

1           **SECTION 729.** 971.30 (2) (intro.), (a), (b) and (c) of the statutes are consolidated,  
2           renumbered 971.65 (1) and amended to read:

3           971.65 (1) GENERALLY. Any motion that is capable of determination before trial  
4           may be made before trial. Unless otherwise provided or ordered by the court, all  
5           motions the motion shall meet the following criteria: (a) Be ~~be~~ in writing. (b) Contain  
6           and contain a caption setting forth the name of the court, the venue, the title of the  
7           action, the file number, and a denomination of the party seeking the order or relief  
8           and a brief description of the type of order or relief sought. (c) State. The motion  
9           shall state with particularity the grounds for the motion and the order or relief  
10          sought.

11          **SECTION 730.** 971.31 (title) of the statutes is repealed.

12          **SECTION 731.** 971.31 (1) of the statutes is repealed.

13          **SECTION 732.** 971.31 (2) of the statutes is renumbered 971.65 (3) and amended  
14          to read:

15          971.65 (3) PARTICULAR ISSUES TO BE RAISED. Except as provided in sub. (5) (2)  
16          (b), defenses and objections based on defects in the institution of the proceedings,  
17          insufficiency of the complaint, information, or indictment, invalidity in whole or in  
18          part of the statute on which the prosecution is founded based, or the use of illegal  
19          means to secure evidence shall be raised before trial by a motion or be deemed  
20          waived. The court may, however, entertain such a motion at the trial, in which case  
21          the defendant waives any jeopardy that may have attached. ~~The motion to suppress~~  
22          ~~evidence shall be so entertained with waiver of jeopardy when it appears that the~~  
23          ~~defendant is surprised by the state's possession of such evidence.~~

24          **SECTION 733.** 971.31 (3) of the statutes is renumbered 972.18 (2) and amended  
25          to read:

1           972.18 (2) The admissibility of any statement of the defendant shall be  
2 determined at the trial by the court in an evidentiary hearing out of the presence of  
3 the jury, unless the defendant, by motion, challenges the court ruled on admissibility  
4 of such the statement before trial.

5           **SECTION 734.** 971.31 (4) of the statutes is renumbered 971.65 (4) and amended  
6 to read:

7           971.65 (4) DECIDING MOTIONS BEFORE AND AT TRIAL. ~~Except as provided in sub-~~  
8 ~~(3), a motion shall be determined before trial of the general issue~~ Before trial, the  
9 court shall determine each motion made under this section unless the court orders  
10 that it be deferred for determination at the trial. All issues of fact arising out of such  
11 the motion shall be ~~tried~~ determined by the court without a jury.

12           **SECTION 735.** 971.31 (5) (a) of the statutes is repealed.

13           **SECTION 736.** 971.31 (5) (b) and (c) of the statutes are consolidated, renumbered  
14 971.65 (2) (b) and amended to read:

15           971.65 (2) (b) In felony actions, motions to suppress evidence or motions under  
16 s. ~~971.23~~ 971.43 or objections to the admissibility of statements of a defendant shall  
17 may not be made at a preliminary examination and not until an information has been  
18 filed. ~~(e) In felony actions, objections~~ Objections based on the insufficiency of the  
19 complaint shall be made prior to the preliminary examination or waiver thereof of  
20 the preliminary examination or be deemed waived.

21           **SECTION 737.** 971.31 (6) of the statutes is renumbered 971.65 (5) and amended  
22 to read:

23           971.65 (5) CUSTODY AFTER DISMISSAL. If the court grants a motion to dismiss  
24 based upon a defect in the indictment, ~~information~~ commencement of the prosecution  
25 or in the complaint, ~~or in the institution of the proceedings or information,~~ it may,

1 upon a showing that probable cause exists to believe that the defendant has  
2 committed a crime, order that the defendant be held in custody ~~or that the~~  
3 ~~defendant's bail be continued~~ for not more than ~~72~~ 48 hours pending issuance of a  
4 ~~new summons or warrant~~ or that the conditions of release be continued for a specified  
5 time pending the filing of a new indictment, information or complaint.

6 **SECTION 738.** 971.31 (7) of the statutes is repealed.

7 **SECTION 739.** 971.31 (8) of the statutes is repealed.

8 **SECTION 740.** 971.31 (9) of the statutes is renumbered 967.15 and amended to  
9 read:

10 **967.15 Service upon defendant.** A pleading or motion required to be served  
11 on a defendant may be served upon the defendant's attorney of record.

12 **SECTION 741.** 971.31 (10) of the statutes is repealed.

13 **SECTION 742.** 971.31 (11) of the statutes is renumbered 971.65 (6) and amended  
14 to read:

15 971.65 (6) PRIOR SEXUAL CONDUCT EVIDENCE. In actions under s. 940.225, 948.02,  
16 948.025, 948.05, 948.051, 948.06, 948.085, or 948.095, or under s. 940.302 (2), if the  
17 court finds that the crime was sexually motivated, as defined in s. 980.01 (5),  
18 evidence ~~which~~ that is admissible under s. ~~972.11 (2)~~ 904.045 must be determined  
19 by the court upon pretrial motion to be material to a fact at issue in the case and of  
20 sufficient probative value to outweigh its inflammatory and prejudicial nature  
21 before it may be introduced at trial.

22 **SECTION 743.** 971.31 (12) of the statutes is renumbered 971.65 (7) and amended  
23 to read:

1           971.65 (7) EVIDENCE OF PERSONAL OR MEDICAL HISTORY. In actions under s.  
2           940.22, the court may determine the admissibility of evidence under s. ~~972.11~~ 940.22  
3           (6) only upon a pretrial motion.

4           **SECTION 744.** 971.31 (13) of the statutes is renumbered 971.77, and 971.77 (2),  
5           as renumbered, is amended to read:

6           971.77 (2) The court shall retain jurisdiction unless the juvenile proves by a  
7           preponderance of the evidence that he or she did not commit the violation under the  
8           circumstances described in s. 938.183 (1) (b) or (c), whichever is applicable, or that  
9           transfer would be appropriate because all of the factors specified in par. (a) 1., 2. and  
10          3. sub. (1) (a), (b), and (c) are met.

11          **SECTION 745.** 971.315 of the statutes is renumbered 970.10 (2) and amended  
12          to read:

13          970.10 (2) ~~INQUIRY UPON DISMISSAL~~. Before a court dismisses a criminal charge  
14          against a person, complaint, or information under sub. (1), the court shall inquire of  
15          the district attorney whether he or she has complied with s. 971.095 (2).

16          **SECTION 746.** 971.32 of the statutes is renumbered 970.21 and amended to  
17          read:

18          **970.21 Ownership, how alleged.** In an indictment, information or complaint  
19          for a crime committed in relation to property, it shall be sufficient to state the name  
20          of any one of several co-owners, or of any officer or manager of any corporation,  
21          limited liability company or association owning the same.

22          **SECTION 747.** 971.34 of the statutes is renumbered 970.22.

23          **SECTION 748.** 971.36 of the statutes is renumbered 970.23.

24          **SECTION 749.** 971.365 of the statutes is renumbered 970.24.

25          **SECTION 750.** 971.38 (1) of the statutes is amended to read:



1           **SECTION 755.** 971.65 (2) (title) and (a) of the statutes are created to read:

2           971.65 (2) (title) TIME FOR FILING. (a) A motion under this section shall be filed  
3 within the time set in the scheduling order. If there is no scheduling order, the motion  
4 shall be filed not later than 15 days before trial, unless otherwise permitted by the  
5 court.

6           **SECTION 756.** 971.66 of the statutes is created to read:

7           **971.66 Motions to dismiss asserting that a statute is unconstitutional.**

8 If a defendant moves to dismiss a criminal prosecution by asserting that the statute  
9 under which he or she is charged violates the United States or Wisconsin  
10 Constitution, the defendant must serve a copy of the motion on the attorney general  
11 under s. 806.04 (11) as well as on the district attorney.

12           **SECTION 757.** 971.68 (title), (1) and (3) of the statutes are created to read:

13           **971.68 (title) Joinder and severance motions. (1) IN GENERAL.** Either party  
14 may move for joinder or relief from misjoinder or prejudicial joinder under s. 970.13.

15           **(3) CODEFENDANT'S STATEMENTS.** If a defendant moves for severance because a  
16 codefendant's out-of-court statement refers to, but is not admissible against, the  
17 movant, the court shall determine whether the state intends to offer the statement  
18 in evidence as part of its case in chief. If so, the court shall require the district  
19 attorney to elect one of the following:

20           (a) A joint trial at which the statement is not received in evidence.

21           (b) A joint trial at which the statement is received in evidence only after all  
22 references to the movant have been deleted, if admission of the statement with the  
23 deletions made will not prejudice the movant.

24           (c) A separate trial for the movant.

1 (d) With the approval of the court, a separate jury for each defendant sitting  
2 in a single trial.

3 **SECTION 758.** Subchapter VI (title) of chapter 971 [precedes 971.75] of the  
4 statutes is created to read:

5 **CHAPTER 971**

6 **SUBCHAPTER VI**

7 **JUVENILES IN ADULT COURT**

8 **SECTION 759.** 971.75 (title) of the statutes is created to read:

9 **971.75 (title) Probable cause and retention hearings; juvenile under**  
10 **original adult court jurisdiction.**

11 **SECTION 760.** 971.75 (2) of the statutes is created to read:

12 **971.75 (2) TIME FOR PROBABLE CAUSE HEARING.** The court shall conduct a  
13 probable cause hearing that is required under sub. (1) within 10 days after the initial  
14 appearance. On stipulation of the parties, or upon motion and for cause, the court  
15 may extend that time.

16 **SECTION 761.** 971.75 (4) of the statutes is created to read:

17 **971.75 (4) TIME FOR RETENTION HEARING.** The court shall conduct any hearing  
18 on retention of jurisdiction that is required under sub. (3) (b) within 20 days of the  
19 probable cause finding under sub. (3) (b). On stipulation of the parties, or upon  
20 motion and for cause, the court may extend that time.

21 **SECTION 762.** 971.75 (6) of the statutes is created to read:

22 **971.75 (6) WITNESSES AT PROBABLE CAUSE AND RETENTION HEARINGS.** (a) Both the  
23 district attorney and the juvenile may call and cross-examine witnesses at any  
24 hearing under this section. All witnesses shall be sworn and their testimony  
25 reported by a court reporter.

1 (b) During any hearing under this section, the court may exclude witnesses  
2 until they are called to testify, may direct that persons who are expected to be called  
3 as witnesses be kept separate until called, and may prevent them from  
4 communicating with one another until they have been examined.

5 **SECTION 763.** 971.75 (7) of the statutes is created to read:

6 971.75 (7) ADMISSIBILITY OF REPORTS. (a) In this subsection:

7 1. "Hospital" has the meaning given in s. 50.33 (2).

8 2. "Local health department" has the meaning given in s. 250.01 (4).

9 (b) At any hearing under this section, a report of one of the crime laboratory's,  
10 the state laboratory of hygiene's, a federal bureau of investigation laboratory's, a  
11 hospital laboratory's, or a local health department's findings with reference to all or  
12 any part of the evidence submitted, certified as correct by the attorney general, the  
13 director of the state laboratory of hygiene, the director of the federal bureau of  
14 investigation, the chief hospital administrator, the local health officer, as defined in  
15 s. 250.01 (5), or a person designated by any of them, shall, when offered by the state  
16 or the accused, be received as evidence of the facts and findings stated, if relevant.  
17 The expert who made the findings need not be called as a witness.

18 (c) At any hearing under this section in Milwaukee County, a latent fingerprint  
19 report of the city of Milwaukee police department bureau of identification division's  
20 latent fingerprint identification unit, certified as correct by the police chief or a  
21 person designated by the police chief, shall, when offered by the state or the accused,  
22 be received as evidence of the facts and findings stated, if relevant. The expert who  
23 made the findings need not be called as a witness.

24 **SECTION 764.** 971.75 (9) of the statutes is created to read:

1           971.75 (9) CLOSURE ORDERS. (a) If the juvenile is accused of a crime under s.  
2           940.225, 948.02, 948.025, 948.05, 948.051, 948.06, 948.085, or 948.095, or under s.  
3           940.302 (2), if the court finds that the crime was sexually motivated, as defined in  
4           s. 980.01 (5), the court may exclude from any hearing under this section all persons  
5           who are not officers of the court, members of the complainant's or juvenile's families,  
6           or others considered by the court to be supportive of the complainant or juvenile, the  
7           service representative, as defined in s. 895.45 (1) (c), or other persons required to  
8           attend, if the court finds that the state or the juvenile has established a compelling  
9           interest that would likely be prejudiced if the persons were not excluded. The court  
10          may consider as a compelling interest, among others, the need to protect a  
11          complainant from undue embarrassment and emotional trauma.

12          (b) In making its order under this subsection, the court shall set forth specific  
13          findings sufficient to support the order. In making these findings, the court shall  
14          consider, and give substantial weight to, the desires, if any, of the complainant.  
15          Additional factors that the court may consider in making these findings include, but  
16          are not limited to, the complainant's age, psychological maturity, and understanding;  
17          the nature of the crime; and the desires of the complainant's family.

18          (c) The court shall make its order under this subsection no broader than is  
19          necessary to protect the compelling interest under par. (a) and shall consider any  
20          reasonable alternatives to full closure of the entire hearing.

21          **SECTION 765.** 971.76 of the statutes is created to read:

22          **971.76 Pretrial dismissal of complaint against juvenile.** (1) WAIVER  
23          CASES. If the court has jurisdiction over a juvenile as a result of a waiver under s.  
24          938.18 (1) (a) or (b), the juvenile may move the court to dismiss the complaint on the  
25          ground that the state cannot prove that he or she committed any of the offenses listed

1 in s. 938.18 (1) (a) or (b) on which the waiver was based. If the court grants a motion  
2 to dismiss under this subsection, the court shall order that the juvenile be  
3 discharged, but proceedings may be brought regarding the juvenile under ch. 938.

4 **(2) CASES INVOLVING ORIGINAL ADULT COURT JURISDICTION.** A juvenile subject to  
5 the court's original jurisdiction under s. 938.183 (1) may move the court to dismiss  
6 the complaint on the ground that the state cannot prove that he or she committed any  
7 of the offenses charged under s. 938.183 (1) (a), (am), (b), or (c) under the  
8 circumstances described in those provisions. If the court grants a motion to dismiss  
9 under this subsection, the court shall order that the juvenile be discharged, but  
10 proceedings may be brought regarding the juvenile under ch. 938.

11 **SECTION 766.** 971.77 (title) of the statutes is created to read:

12 **971.77 (title) Motion to transfer jurisdiction in misdemeanors.**

13 **SECTION 767.** Subchapter VII (title) of chapter 971 [precedes 971.80] of the  
14 statutes is created to read:

## 15 **CHAPTER 971**

### 16 **SUBCHAPTER VII**

#### 17 **COMPETENCY PROCEEDINGS**

18 **SECTION 768.** 972.01 of the statutes is amended to read:

19 **972.01 Jury; civil rules applicable.** The Except as otherwise provided in  
20 this chapter, the summoning of jurors, the, selection, and qualifications of the jury  
21 jurors, the challenge of jurors for cause, and the duty of the court in charging the jury  
22 and, giving instructions, and discharging the jury when it is unable to agree shall be  
23 the same in criminal as in civil actions, except that s. 805.08 (3) shall not apply.

24 **SECTION 769.** 972.02 (title) of the statutes is repealed.

1           **SECTION 770.** 972.02 (1) of the statutes is renumbered 972.005 and amended  
2 to read:

3           **972.005 Right to jury; waiver.** ~~Except as otherwise provided in this chapter,~~  
4 ~~criminal Criminal cases shall be tried by a jury selected as prescribed in s. 805.08,~~  
5 ~~unless the defendant waives ~~a~~ his or her right to trial by jury in writing or by~~  
6 ~~statement in open court or under s. 967.08 (2) (b), on the record, with the approval~~  
7 ~~of the court and the consent of the state. Before approving a waiver of the right to~~  
8 ~~trial by jury, the court shall address the defendant personally, on the record, to assure~~  
9 ~~that the defendant understands his or her right to trial by jury and that the~~  
10 ~~defendant knowingly, intelligently, and voluntarily waives that right.~~

11           **SECTION 771.** 972.02 (2) of the statutes is renumbered 972.025 (2) and amended  
12 to read:

13           **972.025 (2) JURY OF FEWER THAN 12.** At any time before the verdict is returned,  
14 ~~the parties may stipulate in writing or by statement in open court, on the record~~  
15 ~~agree, with the approval of the court, that the jury shall consist of any number less~~  
16 ~~fewer than 12. If the parties agree to a number of jurors that is fewer than 12, the~~  
17 ~~court shall address the defendant personally, on the record, to ensure that the~~  
18 ~~defendant understands his or her right to a jury of 12 and that the defendant~~  
19 ~~voluntarily waives that right.~~

20           **SECTION 772.** 972.02 (3) of the statutes is renumbered 972.27 and amended to  
21 read:

22           **972.27 Findings in a trial to the court.** In a case tried without a jury, the  
23 court shall make a general finding and may in addition find the facts specially.

24           **SECTION 773.** 972.02 (4) of the statutes is renumbered 972.04 (5) and amended  
25 to read:

1           972.04 (5) ~~No A member of the a grand jury which found the indictment shall~~  
2           ~~that indicted a defendant may not be a juror for the defendant's trial of the~~  
3           ~~indictment.~~

4           **SECTION 774.** 972.025 (title) and (1) of the statutes are created to read:

5           **972.025 (title) Jury size. (1) TWELVE-PERSON JURY.** A jury in a criminal case  
6           shall consist of 12 persons unless the parties agree to fewer jurors as provided in sub.  
7           (2).

8           **SECTION 775.** 972.03 (title) of the statutes is amended to read:

9           **972.03 (title) Peremptory Number of peremptory challenges.**

10          **SECTION 776.** 972.03 of the statutes is renumbered 972.03 (1) and amended to  
11          read:

12          972.03 (1) GENERALLY. ~~Each Except as provided in subs. (2), (3), (4), and (5), in~~  
13          ~~a criminal case, each~~ side is entitled to only 4 peremptory challenges ~~except as~~  
14          ~~otherwise provided in this section. When,~~

15          (4) LIFE IMPRISONMENT. ~~If the crime charged in a case is punishable by life~~  
16          ~~imprisonment, the state is each side shall be~~ entitled to 6 peremptory challenges ~~and~~  
17          ~~the defendant is entitled to 6 peremptory challenges. If there is, except, if the case~~  
18          ~~involves 2 defendants, the defense shall be entitled to 12 peremptory challenges, and~~  
19          ~~if the case involves more than 2 defendants, the defense shall be entitled to 18~~  
20          ~~peremptory challenges. The court may allow the state a reasonable number of~~  
21          ~~peremptory challenges.~~

22          (3) DIVIDING CHALLENGES AMONG DEFENDANTS. ~~In a criminal case involving more~~  
23          ~~than one defendant, the court shall divide the peremptory challenges for the defense~~  
24          ~~as equally as practicable among them the defendants; and if their defenses are~~  
25          ~~adverse and the court is satisfied that the protection of their rights so requires, the~~

1 court may allow the defendants additional peremptory challenges. If the crime is  
2 punishable by life imprisonment, the total peremptory challenges allowed the  
3 defense shall not exceed 12 if there are only 2 defendants and 18 if there are more  
4 than 2 defendants; in other felony cases the defendants are allowed additional  
5 peremptory challenges under this subsection, the court may allow the state a  
6 reasonable number of peremptory challenges.

7 (2) MORE THAN ONE DEFENDANT. Except as provided in subs. (3) and (4), in a  
8 criminal case involving 2 defendants, the defense shall be entitled to 6 peremptory  
9 challenges if there are only, and in a criminal case involving more than 2 defendants  
10 and, the defense shall be entitled to 9 peremptory challenges if there are more than  
11 2. In misdemeanor cases, the state is entitled to 3 peremptory challenges and the  
12 defendant is entitled to 3 peremptory challenges, except that if there are 2  
13 defendants, the court shall allow the defense 4 peremptory challenges, and if there  
14 are more than 2 defendants, the court shall allow the defense 6 peremptory  
15 challenges.

16 (5) ADDITIONAL CHALLENGES. Each side shall be allowed at least one additional  
17 peremptory challenge if the court orders that additional jurors are to be selected  
18 under s. 972.04 (1).

19 **SECTION 777.** 972.04 (title) of the statutes is repealed and recreated to read:

20 **972.04 (title) Jury selection.**

21 **SECTION 778.** 972.04 (1) of the statutes is amended to read:

22 972.04 (1) The number of jurors selected in a criminal case shall be prescribed  
23 in s. 756.06 (2) (a), 12 unless a lesser number has been stipulated agreed to and  
24 approved under s. 972.02 972.025 (2) or the. The court orders may order that  
25 additional jurors be selected. That number, plus the number of peremptory

1 challenges available to all the parties, shall be called initially and maintained in the  
2 jury box by calling others to replace jurors excused for cause until all jurors have been  
3 examined. The to assure that the required number of jurors will be available for  
4 deliberation.

5 (6) After the jurors have been examined and the court has determined whether  
6 to excuse any juror for cause, the parties shall thereupon exercise in their order their  
7 peremptory challenges alternately, the state beginning, the peremptory challenges  
8 available to them, and if. If any party declines to exercise a peremptory challenge,  
9 the challenge shall be made by the clerk shall make the challenge by lot.

10 **SECTION 779.** 972.04 (2) of the statutes is repealed.

11 **SECTION 780.** 972.04 (3) of the statutes is created to read:

12 972.04 (3) The court shall call and maintain the number of jurors provided in  
13 sub. (1), plus the number of peremptory challenges available to the parties. If a juror  
14 is excused for cause, the court shall replace that juror with another.

15 **SECTION 781.** 972.06 of the statutes is amended to read:

16 **972.06 View Jury view.** The court may order ~~a view~~ by the jury to view a  
17 location or object whenever the court concludes that viewing the location or object  
18 would assist the jury in understanding the evidence introduced in court or assist the  
19 jury in weighing and applying that evidence.

20 **SECTION 782.** 972.065 (title) of the statutes is created to read:

21 **972.065 (title) Note-taking by jurors.**

22 **SECTION 783.** 972.07 of the statutes is renumbered 967.12 and amended to  
23 read:

24 **967.12 Jeopardy.** Jeopardy attaches when one of the following occurs:

1           (1) In a trial to the court without a jury, when ~~a witness is sworn~~; the first  
2 witness assents to the oath or affirmation or answers the first question if no oath or  
3 affirmation is administered.

4           (2) In a jury trial, when the selection of the jury has been completed and the  
5 jury sworn.

6           **SECTION 784.** 972.075 of the statutes is created to read:

7           **972.075 Questioning of witnesses by jurors.** (1) After the selection of a  
8 jury, the court may authorize the jurors to ask questions of witnesses.

9           (2) If the court authorizes juror questions, the court shall instruct the jury to  
10 propose only questions that tend to clarify information already presented and shall  
11 instruct the jury of the following procedure that shall be used for juror questions:

12           (a) After the parties have questioned a witness and before the witness leaves  
13 the stand, the court shall ask the jurors if they have any questions for the witness.

14           (b) If a juror has a question, he or she shall submit the question in writing to  
15 the judge.

16           (c) The judge shall show the question to the parties and allow the parties to  
17 object to the question without the knowledge of the jury.

18           (d) The judge shall review the question and any objections made by the parties  
19 and determine if the question is legally proper.

20           (e) If the question is legally proper, the judge may ask it of the witness.

21           (f) The court shall allow the parties to ask follow-up questions to any juror  
22 questions that are posed to a witness.

23           **SECTION 785.** 972.08 of the statutes is renumbered 967.17, and 967.17 (1) and  
24 (2), as renumbered, are amended to read:

1           967.17 (1) (a) Whenever any person refuses to testify or to produce books,  
2 papers, or documents when required to do so before any grand jury, in a John Doe  
3 proceeding under s. ~~968.26~~ 968.105, at an inquest under s. 968.015, or at a  
4 preliminary examination, criminal hearing, or trial for the reason that the testimony  
5 or evidence required of him or her may tend to incriminate him or her or subject him  
6 or her to a forfeiture or penalty, the person may nevertheless be compelled to testify  
7 or produce the evidence by order of the court on motion of the district attorney. No  
8 person who testifies or produces evidence in obedience to the command of the court  
9 in that case may be liable to any forfeiture or penalty for or on account of testifying  
10 or producing evidence, but no person may be exempted from prosecution and  
11 punishment for perjury or false swearing committed in so testifying.

12           (b) The immunity provided under par. (a) is subject to the restrictions under  
13 s. ~~972.085~~ 967.18.

14           (2) Whenever a witness attending in any court trial or appearing before any  
15 grand jury ~~or, John Doe investigation proceeding~~ under s. ~~968.26~~ 968.105, or inquest  
16 under s. 968.015 fails or refuses without just cause to comply with an order of the  
17 court under this section to give testimony in response to a question or with respect  
18 to any matter, the court, upon such failure or refusal, or when such failure or refusal  
19 is duly brought to its attention, may summarily order the witness's confinement at  
20 a suitable place until such time as the witness is willing to give such testimony or  
21 until such ~~the~~ trial, grand jury term, or John Doe investigation under s. 968.26  
22 proceeding, or inquest is concluded but in no case exceeding one year. No person  
23 confined under this section shall be ~~admitted to bail~~ released on conditions pending  
24 the determination of an appeal taken by the person from the order of confinement.

1           **SECTION 786.** 972.085 of the statutes is renumbered 967.18 and amended to  
2 read:

3           **967.18 Immunity; use standard.** Immunity from criminal or forfeiture  
4 prosecution under ss. 13.35, 17.16 (7), 77.61 (12), 93.17, 111.07 (2) (b), 128.16, 133.15,  
5 139.20, 139.39 (5), 195.048, 196.48, 551.602 (5), 553.55 (3), 601.62 (5), 767.87 (4),  
6 885.15, 885.24, 885.25 (2), 891.39 (2), ~~968.26, 972.08 (1)~~ 967.17 (1), and ~~979.07 (1)~~  
7 968.105 and ch. 769, provides immunity only from the use of the compelled testimony  
8 or evidence in subsequent criminal or forfeiture proceedings, as well as immunity  
9 from the use of evidence derived from that compelled testimony or evidence.

10           **SECTION 787.** 972.09 of the statutes is renumbered 906.11 (4).

11           **SECTION 788.** 972.10 (title) of the statutes is renumbered 972.16 (title).

12           **SECTION 789.** 972.10 (1) (a) (intro.) of the statutes is repealed.

13           **SECTION 790.** 972.10 (1) (a) 1. of the statutes is renumbered 972.065 (1) and  
14 amended to read:

15           972.065 (1) The court may authorize note-taking by jurors. If the court  
16 authorizes note-taking, the court shall instruct the jurors that they may make  
17 written notes of any portion of the proceedings, except the opening statements and  
18 closing arguments, ~~if they so desire~~ and that the court will provide materials for ~~that~~  
19 ~~purpose if they so request~~ note-taking. The court shall ~~stress the confidentiality of~~  
20 ~~the notes to inform the jurors that the notes are confidential.~~ The jurors may refer  
21 to their notes during the proceedings and ~~deliberation~~ their deliberations with the  
22 other jurors. The notes may not be the basis for or the object of any motion by any  
23 party. After the jury has rendered ~~returned~~ its verdict, the court shall ensure that  
24 the notes are promptly collected and destroyed.

25           **SECTION 791.** 972.10 (1) (a) 2. of the statutes is renumbered 972.065 (2).

1           **SECTION 792.** 972.10 (1) (b) of the statutes is renumbered 972.095 and amended  
2 to read:

3           **972.095 Preliminary jury instructions.** The court may give additional  
4 preliminary instructions to assist the jury in understanding its duty and the  
5 evidence it will hear. The preliminary instructions may include, without limitation,  
6 the elements of any offense charged, what constitutes evidence and what does not,  
7 guidance regarding the burden of proof and the credibility of witnesses, and  
8 directions not to discuss the case until deliberations begin. ~~The additional~~  
9 ~~instructions shall be disclosed to the parties before they are given and either party~~  
10 ~~may object to any specific instruction or propose instructions of its own to be given~~  
11 ~~prior to trial~~ The court shall advise the parties of the content of the instructions to  
12 be given. The parties may propose instructions of their own. All objections shall be  
13 on the record and shall specify with particularity how the instruction is insufficient  
14 or does not correctly state the law.

15           **SECTION 793.** 972.10 (2) of the statutes is repealed.

16           **SECTION 794.** 972.10 (3) of the statutes is repealed.

17           **SECTION 795.** 972.10 (4) of the statutes is repealed.

18           **SECTION 796.** 972.10 (5) of the statutes is renumbered 972.22 (1) and amended  
19 to read:

20           ~~972.22 (1) When the evidence is concluded and the testimony closed, if either~~  
21 ~~party desires special instructions to be given to the jury, the instructions shall be~~  
22 ~~reduced to writing, signed by the party or his or her attorney and filed with the clerk,~~  
23 ~~unless the court otherwise directs. Counsel for the parties, or the defendant if he or~~  
24 ~~she is without counsel, shall be allowed~~ The court shall allow the parties reasonable  
25 opportunity to request final jury instructions, to examine the any instructions

1 requested ~~by any other party~~, and to present and argue to the court objections to the  
2 adoption or rejection of any instructions requested by counsel ~~the parties~~.

3 **(2)** The court shall advise the parties of the content of the instructions to be  
4 given. No instruction regarding the failure to call a witness at the trial shall be made  
5 or given if the sole basis for such instruction is the fact the name of the witness  
6 appears upon a list furnished pursuant to s. 971.23. Counsel, or the defendant if he  
7 or she is not represented by counsel, shall specify and state the particular ground on  
8 which the instruction is objected to, and it shall not be sufficient to object generally  
9 that the instruction does not state the law, or is against the law, but the objection  
10 shall specify with particularity how the instruction is insufficient or does not state  
11 the law or to what particular language there is an objection. All objections before  
12 giving the instructions to the jury. If a party objects to the adoption or rejection of  
13 an instruction, the objection shall be made with particularity and shall be on the  
14 record.

15 **(3)** The court shall provide the jury with one or more complete set sets of written  
16 instructions providing defining the burden of proof and the substantive law ~~to be~~  
17 ~~applied to the case to be decided~~.

18 **SECTION 797.** 972.10 (6) of the statutes is repealed.

19 **SECTION 798.** 972.10 (7) of the statutes is renumbered 972.23 (1) and amended  
20 to read:

21 972.23 **(1)** If the court required selection of additional jurors have been selected  
22 under s. 972.04 (1) so that alternates may be available, and, at the time the case is  
23 submitted to the jury for deliberation, the number of jurors remains more greater  
24 than the number of jurors required at final submission of the cause for deliberation,  
25 the court shall determine by lot which jurors shall not participate in deliberations

1 ~~and discharge them~~ except that the court may, for good cause, discharge additional  
2 jurors other than by lot.

3 **SECTION 799.** 972.11 (title) of the statutes is renumbered 967.24 (title).

4 **SECTION 800.** 972.11 (1) of the statutes is renumbered 967.24 and amended to  
5 read:

6 **967.24** ~~Except as provided in subs. (2) to (4), the~~ The rules of evidence and  
7 practice in civil actions, except the rules under ss. 804.02 to 804.07, shall be  
8 applicable in all criminal proceedings unless the context of a section or rule  
9 manifestly requires a different construction. No guardian ad litem need be  
10 appointed for a defendant in a criminal action. Chapters 885 to 895 and 995, except  
11 ss. ~~804.02 to 804.07 and 887.23 to 887.26,~~ shall apply in all criminal proceedings.

12 **SECTION 801.** 972.11 (2) of the statutes is renumbered 904.045, and 904.045 (1),  
13 (2) (intro.), (3) and (4) (b), as renumbered, are amended to read:

14 904.045 (1) In this ~~subsection~~ section, “sexual conduct” means any conduct or  
15 behavior relating to sexual activities of the complaining witness, including but not  
16 limited to prior experience of sexual intercourse or sexual contact, use of  
17 contraceptives, living arrangement and life-style.

18 (2) (intro.) If the defendant is accused of a crime under s. 940.225, 948.02,  
19 948.025, 948.05, 948.051, 948.06, 948.07, 948.08, 948.085, 948.09, or 948.095, or  
20 under s. 940.302 (2), if the court finds that the crime was sexually motivated, as  
21 defined in s. 980.01 (5), any evidence concerning the complaining witness’s prior  
22 sexual conduct or opinions of the witness’s prior sexual conduct and reputation as to  
23 prior sexual conduct shall not be admitted into evidence during the course of the  
24 hearing or trial, nor shall any reference to such conduct be made in the presence of  
25 the jury, except the following, subject to s. ~~971.31 (11)~~ 971.65 (6):

1           **(3)** Notwithstanding s. 901.06, the limitation on the admission of evidence of  
2 or reference to the prior sexual conduct of the complaining witness in ~~par. (b)~~ sub. (2)  
3 applies regardless of the purpose of the admission or reference unless the admission  
4 is expressly permitted under ~~par. (b) 1., 2. or 3~~ sub. (2) (a), (b), or (c).

5           **(4)** (b) The court shall determine the admissibility of evidence under ~~subd. 1.~~  
6 par. (a) upon pretrial motion before it may be introduced at trial.

7           **SECTION 802.** 972.11 (2m) (a) (intro.) and 1. of the statutes are renumbered  
8 972.20 (1) (intro.) and (a), and 972.20 (1) (a) 1., as renumbered, is amended to read:

9           972.20 **(1)** (a) 1. That the presence of the defendant during the ~~taking of the~~  
10 child's testimony will result in the child suffering serious emotional distress such  
11 that the child cannot reasonably communicate.

12           **SECTION 803.** 972.11 (2m) (a) 2. (intro.), a. and b. of the statutes are  
13 consolidated, renumbered 972.20 (1) (b) and amended to read:

14           972.20 **(1)** (b) The trial in which the child may be called as a witness will  
15 commence: ~~a. Prior to before~~ before the child's 12th birthday; ~~or b. Prior to the child's 16th~~  
16 ~~birthday and, in addition to its finding under subd. 1.,~~ if the court finds that the  
17 interests of justice warrant that the child's testimony be taken in a room other than  
18 the courtroom and simultaneously televised in the courtroom by means of  
19 closed-circuit audiovisual equipment, before the child's 16th birthday.

20           **SECTION 804.** 972.11 (2m) (b) of the statutes is renumbered 972.20 (2), and  
21 972.20 (2) (intro.), (a), (c), (d), (e), (f) and (g), as renumbered, are amended to read:

22           972.20 **(2)** (intro.) ~~Among the factors which~~ Factors that the court may consider  
23 in determining the interests of justice under ~~par. (a) 2. b. are any of~~ sub. (1) (b) include  
24 the following:

1 (a) The child's chronological age, level of development, and capacity to  
2 comprehend the significance of the events about which the child will testify and to  
3 verbalize about them.

4 (c) Whether the events about which the child will testify constituted criminal  
5 or antisocial conduct against the child or a person with whom the child had a close  
6 emotional relationship and, if the conduct constituted a battery or a sexual assault,  
7 its duration and the extent of physical or emotional injury ~~thereby caused by the~~  
8 battery or sexual assault.

9 (d) The child's custodial situation and the attitude of other household members  
10 to the events about which the child will testify and ~~to the underlying proceeding~~  
11 towards the trial.

12 (e) The child's familial or emotional relationship to those involved in the  
13 ~~underlying proceeding~~ trial.

14 (f) The child's behavior at or reaction to previous interviews concerning the  
15 events involved about which the child will testify.

16 (g) Whether the child blames himself or herself for the events ~~involved~~ about  
17 which the child will testify or has ever been told by any person not to disclose them;  
18 whether the child's prior reports to associates or authorities of the events have been  
19 disbelieved or not acted upon; and the child's ~~subjective~~ belief regarding what  
20 consequences to himself or herself, or persons with whom the child has a close  
21 emotional relationship, will ensue from providing testimony.

22 **SECTION 805.** 972.11 (2m) (bm) of the statutes is renumbered 972.20 (3), and  
23 972.20 (3) (intro.), (a) and (d), as renumbered, are amended to read:

24 972.20 (3) (intro.) If a court orders the testimony of a child to be taken under  
25 ~~par. (a)~~ sub. (1), the court shall do all of the following:

1 (a) To the extent it is practical and subject to s. ~~972.10 (3)~~ 972.16 (1), schedule  
2 the testimony on a date when the child's recollection is likely to be fresh and at a time  
3 of day when the child's energy and attention span are likely to be greatest.

4 (d) ~~Determine that the child understands that it is wrong to tell a lie and will~~  
5 ~~testify truthfully if~~ If the child's developmental level or verbal skills are such that  
6 administration of an oath or affirmation in the usual form would be inappropriate,  
7 determine that the child understands that it is wrong to tell a lie and will testify  
8 truthfully.

9 **SECTION 806.** 972.11 (2m) (c) (intro.), 1m., 2m. and 3m. of the statutes are  
10 renumbered 972.20 (4) (intro.), (a), (b) and (c), and 972.20 (4) (intro.), as renumbered,  
11 is amended to read:

12 972.20 (4) (intro.) Only the following persons may be present in the room in  
13 which the child is giving testimony under ~~par. (a)~~ sub. (1):

14 **SECTION 807.** 972.11 (3) of the statutes is renumbered 940.22 (6), and 940.22  
15 (6) (a) (intro.) and 1., as renumbered, are amended to read:

16 940.22 (6) (a) (intro.) In a prosecution under s. ~~940.22~~ involving a therapist and  
17 a patient or client for a violation of sub. (2), (3) (d), or (4) (d), evidence of the patient's  
18 or client's personal or medical history is not admissible except if all of the following  
19 apply:

20 1. The defendant requests a hearing prior to trial and makes an offer of proof  
21 of the relevancy of the evidence; ~~and.~~

22 **SECTION 808.** 972.11 (3m) of the statutes is renumbered 346.63 (8) and  
23 amended to read:

24 346.63 (8) A court may not exclude evidence in any criminal action or traffic  
25 forfeiture action for violation of s. ~~346.63~~ sub. (1) or (5), or a local ordinance in

1 conformity with s. ~~346.63~~ sub. (1) or (5), on the ground that the evidence existed or  
2 was obtained outside of this state.

3 **SECTION 809.** 972.11 (4) of the statutes is renumbered 972.29.

4 **SECTION 810.** 972.115 (title) of the statutes is repealed.

5 **SECTION 811.** 972.115 (1) of the statutes is renumbered 972.18 (1), and 972.18  
6 (1) (a), as renumbered, is amended to read:

7 972.18 (1) (a) “Custodial interrogation” has the meaning given in s. ~~968.073~~  
8 969.165 (1) (a).

9 **SECTION 812.** 972.115 (2) of the statutes is renumbered 972.18 (3), and 972.18  
10 (3) (a) (intro.), 1., 3. and 5. and (b), as renumbered, are amended to read:

11 972.18 (3) (a) (intro.) If a statement made by a defendant during a custodial  
12 interrogation is admitted into evidence in a trial for a felony before a jury and if an  
13 ~~audio or audio and visual~~ a recording of the interrogation is not available, upon a  
14 request made by the defendant as ~~provided in s. 972.10 (5)~~ and unless the state  
15 asserts and the court finds that one of the following conditions applies or that good  
16 cause exists for not providing an instruction, the court shall instruct the jury that it  
17 is the policy of this state to make ~~an audio or audio and visual~~ a recording of a  
18 custodial interrogation of a person suspected of committing a felony and that the jury  
19 may consider the absence of ~~an audio or audio and visual~~ a recording of the  
20 interrogation in evaluating the evidence relating to the interrogation and the  
21 statement in the case:

22 1. The person refused to respond or cooperate in the interrogation if ~~an audio~~  
23 ~~or audio and visual~~ a recording was made of the interrogation so long as a law  
24 enforcement officer or agent of a law enforcement agency made a contemporaneous  
25 ~~audio or audio and visual~~ recording or written record of the subject’s refusal.

1           3. The law enforcement officer or agent of a law enforcement agency conducting  
2 the interrogation in good faith failed to make ~~an audio or audio and visual~~ a recording  
3 of the interrogation because the recording equipment did not function, the officer or  
4 agent inadvertently failed to operate the equipment properly, or, without the officer's  
5 or agent's knowledge, the equipment malfunctioned or stopped operating.

6           5. Exigent public safety circumstances existed that prevented the making of  
7 ~~an audio or audio and visual~~ a recording or rendered the making of such a recording  
8 infeasible.

9           (b) If a statement made by a defendant during a custodial interrogation is  
10 admitted into evidence in a proceeding heard by the court without a jury in a felony  
11 case and if ~~an audio or audio and visual~~ a recording of the interrogation is not  
12 available, the court may consider the absence of ~~an audio or audio and visual~~ a  
13 recording of the interrogation in evaluating the evidence relating to the  
14 interrogation and the statement unless the court determines that one of the  
15 conditions under par. (a) 1. to 6. applies.

16           **SECTION 813.** 972.115 (4) and (5) of the statutes are renumbered 972.18 (3) (c)  
17 and (d), and 972.18 (3) (c) and (d) (intro.), as renumbered, are amended to read:

18           972.18 (3) (c) Notwithstanding ss. ~~968.28~~ 968.315 to ~~968.37~~ 968.405, a  
19 defendant's lack of consent to having ~~an audio or audio and visual~~ a recording made  
20 of a custodial interrogation does not affect the admissibility in evidence of ~~an audio~~  
21 ~~or audio and visual~~ a recording of a statement made by the defendant during the  
22 interrogation.

23           (d) (intro.) ~~An audio or audio and visual~~ A recording of a custodial interrogation  
24 shall not be open to public inspection under ss. 19.31 to 19.39 before one of the  
25 following occurs:

1           **SECTION 814.** 972.12 of the statutes is renumbered 972.05 and amended to  
2 read:

3           **972.05 Sequestration of jurors.** ~~The~~ At any stage of the proceedings, the  
4 court may direct that ~~the~~ jurors who have been sworn be kept together or be  
5 permitted to separate. The court may appoint an officer of the court to keep the jurors  
6 together and to prevent communication between the jurors and others. After the case  
7 has been submitted to the jurors, the court may permit them to separate, but shall  
8 instruct the jurors to suspend deliberations while separated.

9           **SECTION 815.** 972.13 (title) of the statutes is repealed.

10          **SECTION 816.** 972.13 (1) of the statutes is renumbered 972.28 (1) and amended  
11 to read:

12          972.28 (1) ~~A~~ The court shall grant a judgment of conviction shall be entered  
13 upon accepting a jury verdict of guilty by the jury, a, upon finding of the defendant  
14 guilty by the court in cases in a case where a jury is waived, or upon finding the  
15 defendant guilty after accepting a plea of guilty or no contest.

16          **SECTION 817.** 972.13 (2) of the statutes is renumbered 972.28 (2) and amended  
17 to read:

18          972.28 (2) Except in cases where ch. 975 is applicable, upon a judgment of  
19 conviction, the court shall proceed under ch. 973. The court may adjourn the case  
20 ~~from time to time for the purpose of~~ before pronouncing sentence.

21          **SECTION 818.** 972.13 (3) of the statutes is renumbered 972.28 (3) and amended  
22 to read:

23          972.28 (3) ~~A~~ When a judgment of conviction is entered, it shall set forth the  
24 plea, the verdict or finding, the adjudication and sentence, and a finding as to the  
25 specific number of days for which sentence credit is to be granted under s. 973.155.

1           **(5)** If the defendant is acquitted, the court shall grant a judgment shall be  
2 entered accordingly of acquittal.

3           **SECTION 819.** 972.13 (4) of the statutes is renumbered 972.28 (6).

4           **SECTION 820.** 972.13 (5) of the statutes is renumbered 972.28 (4) and amended  
5 to read:

6           972.28 (4) A copy of the judgment of conviction shall constitute authority for  
7 the sheriff to execute the sentence.

8           **SECTION 821.** 972.13 (6) of the statutes is repealed.

9           **SECTION 822.** 972.13 (7) of the statutes is renumbered 972.28 (7).

10          **SECTION 823.** 972.14 (title), (2), (2m) and (3) of the statutes are renumbered  
11 973.003 (title), (2), (2m) and (3), and 973.003 (2), as renumbered, is amended to read:

12          973.003 (2) Before pronouncing sentence, the court shall ask the defendant  
13 why sentence should not be pronounced upon him or her and allow the district  
14 attorney, defense counsel, and defendant an opportunity to make a statement with  
15 respect to any matter relevant to the sentence. In addition, if the defendant is under  
16 21 years of age and if the court has not ordered a presentence investigation under  
17 s. ~~972.15~~ 973.004, the court shall ask the defendant if he or she has been adjudged  
18 delinquent under ch. 48, 1993 stats., or ch. 938, or has had a similar adjudication in  
19 any other state in the 4 years immediately preceding the date the criminal complaint  
20 relating to the present offense was issued.

21          **SECTION 824.** 972.14 (1) (intro.) and (b) of the statutes are consolidated,  
22 renumbered 973.003 (1) and amended to read:

23          973.003 (1) (intro.) In this section: (b) ~~“Victim”~~, “victim” has the meaning  
24 specified in s. 950.02 (4).

25          **SECTION 825.** 972.14 (1) (ag) of the statutes is repealed.

1           **SECTION 826.** 972.15 of the statutes is renumbered 973.004.

2           **SECTION 827.** 972.16 (1) and (2) of the statutes are created to read:

3           972.16 (1) Unless the court for cause otherwise permits, the parties shall  
4 proceed with statements and presentation of evidence in the following order:

5           (a) The state may make an opening statement.

6           (b) The defense may make an opening statement or reserve the right to make  
7 an opening statement until after the state rests its case in chief.

8           (c) The state shall present its case in chief.

9           (d) At the close of the state's case in chief, the defense may move to dismiss.  
10 The court shall grant the motion to dismiss if it appears that, viewing the evidence  
11 in the light most favorable to the state and drawing all reasonable inferences  
12 therefrom, a reasonable jury could not find the defendant guilty beyond a reasonable  
13 doubt. The court shall decide the motion before the defense presents its case in chief.

14           (e) The defense may present a case in chief. If a defendant presents evidence,  
15 the defendant waives the right to appeal the denial of a motion for dismissal made  
16 under par. (d).

17           (f) The state and the defense may present rebuttal evidence.

18           (g) The court for cause may permit a party to present further evidence in chief.  
19 If the court permits the state to present further evidence in chief, the defense may  
20 also present further evidence in chief. If either party is permitted to present further  
21 evidence in chief, the other party may present evidence in response.

22           (h) After the state and the defense have rested, the defense may move to  
23 dismiss. The court shall grant the motion to dismiss if it appears that, viewing all  
24 of the evidence, including evidence presented by the defense, in the light most  
25 favorable to the state and drawing all reasonable inferences therefrom, a reasonable

1 jury could not find the defendant guilty beyond a reasonable doubt of the charged  
2 crime or an included crime under s. 939.66. If the jury could find the defendant guilty  
3 beyond a reasonable doubt of an included crime but not the charged crime, the court  
4 shall order the complaint or information amended accordingly.

5 (i) The state may make a closing argument.

6 (j) The defense may make a closing argument.

7 (k) The state may make a rebuttal argument.

8 **(2)** If there are 2 or more defendants and they do not agree on the order in which  
9 the defendants will proceed under sub. (1), the court shall determine the order in  
10 which the defendants will proceed.

11 **SECTION 828.** 972.18 (title) of the statutes is created to read:

12 **972.18 (title) Admissibility of a defendant's statement.**

13 **SECTION 829.** 972.18 (1) (cm) of the statutes is created to read:

14 972.18 (1) (cm) "Recording" means an audio or audio and visual recording.

15 **SECTION 830.** 972.19 of the statutes is created to read:

16 **972.19 Stipulations. (1)** In this section, "stipulation" means an agreement  
17 between the parties that a specified fact is or shall be taken as established without  
18 need for proof.

19 **(2)** A stipulation shall be set forth on the record at the time the court accepts  
20 it.

21 **(3)** In a trial before a jury, the court shall instruct the jury that it is to take  
22 stipulated facts as conclusively proved. A stipulation to a fact that establishes an  
23 element of the crime is not a waiver of the right to a jury trial if the court provides  
24 to the jury instruction on the established element.

25 **SECTION 831.** 972.20 (title) of the statutes is created to read:

1           **972.20** (title) **Child testimony by closed-circuit audiovisual means.**

2           **SECTION 832.** 972.22 (title) of the statutes is created to read:

3           **972.22** (title) **Final jury instructions.**

4           **SECTION 833.** 972.23 (title) of the statutes is created to read:

5           **972.23** (title) **Dismissal of alternate jurors.**

6           **SECTION 834.** 972.23 (2) and (3) of the statutes are created to read:

7           972.23 (2) The court may retain alternate jurors after the jury retires to  
8           deliberate. The court shall ensure that a retained alternate does not discuss the case  
9           with anyone until that alternate replaces a juror or is discharged. If a juror who is  
10          participating in deliberations becomes unavailable due to severe illness or  
11          extraordinary circumstances, the judge may, after a hearing, replace that juror with  
12          a retained alternate juror. If more than one alternate juror is available, the  
13          replacement shall be chosen by lot.

14          (3) If an alternate replaces a juror after deliberations have begun, the court  
15          shall instruct the jury to begin its deliberations anew.

16          **SECTION 835.** 972.24 of the statutes is created to read:

17          **972.24 Return of verdict.** A verdict must be unanimous and returned in open  
18          court.

19          **SECTION 836.** 972.25 of the statutes is created to read:

20          **972.25 Polling the jury.** (1) The court shall poll the jury when a verdict,  
21          proper in form, is returned. The court or the clerk may conduct the poll by asking  
22          each juror individually whether the verdict, as returned, was and is the juror's  
23          verdict.

1           (2) In multiple count cases, the court shall poll the jury when verdicts, proper  
2 in form, are returned. The court or the clerk may conduct the poll by asking each  
3 juror individually whether the verdicts, as returned, are the juror's verdicts.

4           (3) If a poll does not result in unanimity, the court shall instruct the jury that  
5 a verdict must be reached unanimously before it can be accepted. The court may  
6 order the jury to continue deliberations without any further questioning as to any  
7 juror's response to the poll.

8           **SECTION 837.** 972.26 of the statutes is created to read:

9           **972.26 Accepting the verdict.** (1) The court shall accept the verdict if it is  
10 proper in form and confirmed by the jury poll. When the verdict is accepted, the jury  
11 shall be discharged.

12           (2) After the verdict is accepted, the complaint or information shall be deemed  
13 amended as to technical variances to conform to the proof if no objection to the  
14 relevance of the evidence was timely raised.

15           **SECTION 838.** 972.28 (title) of the statutes is created to read:

16           **972.28 (title) Granting judgment.**

17           **SECTION 839.** 972.29 (title) of the statutes is created to read:

18           **972.29 (title) Return of evidence.**

19           **SECTION 840.** 973.013 (4) of the statutes is amended to read:

20           973.013 (4) If information under s. ~~972.15~~ 973.004 (2m) has been provided in  
21 a presentence investigation report, the court shall consider that information when  
22 sentencing the defendant.

23           **SECTION 841.** 973.015 (2m) (c) (intro.) of the statutes is amended to read:

24           973.015 (2m) (c) (intro.) The person submitted a motion that complies with s.  
25 ~~971.30~~ 971.65, that contains a statement of facts and, if applicable, the reason the

1 person did not previously raise an affirmative defense under s. 939.46 or allege that  
2 the violation was committed as a result of being a victim of trafficking for the  
3 purposes of a commercial sex act, and that may include any of the following:

4 **SECTION 842.** 973.017 (6m) (a) 2. of the statutes is amended to read:

5 973.017 **(6m)** (a) 2. “Domestic abuse” has the meaning given in s. ~~968.075~~  
6 969.27 (1) (a).

7 **SECTION 843.** 973.03 (3) (b) of the statutes is amended to read:

8 973.03 **(3)** (b) The court may require that the defendant perform community  
9 service work for a public agency or a nonprofit charitable organization. The number  
10 of hours of work required may not exceed what would be reasonable considering the  
11 seriousness of the offense and any ~~other offense which is read into the record at the~~  
12 ~~time of conviction~~ read-in crimes. An order may only apply if agreed to by the  
13 defendant and the organization or agency. The court shall ensure that the defendant  
14 is provided a written statement of the terms of the community service order and that  
15 the community service order is monitored.

16 **SECTION 844.** 973.03 (3) (e) 2. of the statutes is amended to read:

17 973.03 **(3)** (e) 2. A crime which is a Class D, E, F, or G felony listed in s. ~~969.08~~  
18 ~~(10)~~ 969.51 (7) (b), but not including any crime specified in s. 943.10.

19 **SECTION 845.** 973.03 (4) (d) of the statutes is amended to read:

20 973.03 **(4)** (d) A sentence under this subsection is not a sentence of  
21 imprisonment, except for purposes of ss. 973.04, 973.15 (8) (a) and ~~973.19~~ 974.03.

22 **SECTION 846.** 973.03 (5) (a) 1. of the statutes is amended to read:

23 973.03 **(5)** (a) 1. “Commission of a serious crime” has the meaning given under  
24 s. ~~969.08 (10)~~ 969.51 (7) (a).

25 **SECTION 847.** 973.03 (5) (a) 2. of the statutes is amended to read:

1           973.03 (5) (a) 2. “Serious crime” has the meaning given under s. ~~969.08 (10)~~  
2           969.51 (7) (b).

3           **SECTION 848.** 973.042 (4) of the statutes is amended to read:

4           973.042 (4) After determining the amount due, the clerk of court shall collect  
5           and transmit the amount to the county treasurer under s. 59.40 (2) (m). The county  
6           treasurer shall then make payment to the secretary of administration under s. 59.25  
7           (3) (f) 2.

8           **SECTION 849.** 973.043 (2) of the statutes is amended to read:

9           973.043 (2) After determining the amount due, the clerk of court shall collect  
10           and transmit the amount to the county treasurer under s. 59.40 (2) (m). The county  
11           treasurer shall then make payment to the secretary of administration under s. 59.25  
12           (3) (f) 2.

13           **SECTION 850.** 973.045 (2) of the statutes is amended to read:

14           973.045 (2) After the clerk determines the amount due, the clerk of court shall  
15           collect and transmit the amount to the county treasurer under s. 59.40 (2) (m). The  
16           county treasurer shall then make payment to the secretary of administration under  
17           s. 59.25 (3) (f) 2. The secretary of administration shall credit to the appropriation  
18           account under s. 20.455 (5) (g) the amount paid to the secretary by the county  
19           treasurer under this subsection and any amount collected under sub. (4).

20           **SECTION 851.** 973.046 (2) of the statutes is amended to read:

21           973.046 (2) After the clerk of court determines the amount due, the clerk shall  
22           collect and transmit the amount to the county treasurer under s. 59.40 (2) (m). The  
23           county treasurer shall then make payment to the secretary of administration under  
24           s. 59.25 (3) (f) 2.

25           **SECTION 852.** 973.048 (5) of the statutes is amended to read:

1           973.048 (5) If the court orders a person to comply with the reporting  
2 requirements under s. 301.45, the clerk of the court in which the order is entered  
3 shall promptly forward a copy of the order to the department of corrections. If the  
4 conviction on which the order is based is reversed, set aside or vacated, the clerk of  
5 the court shall promptly forward to the department of corrections a certificate stating  
6 that the conviction has been reversed, set aside or vacated.

7           **SECTION 853.** 973.049 (1) (intro.) and (a) of the statutes are consolidated,  
8 renumbered 973.049 (1) and amended to read:

9           973.049 (1) In this section: (a) ~~“Co-actor”~~, “co-actor” means any individual who  
10 was a party to a crime considered at sentencing, whether or not the individual was  
11 charged with or convicted of the crime considered at sentencing.

12           **SECTION 854.** 973.049 (1) (b) of the statutes is repealed.

13           **SECTION 855.** 973.05 (3) (b) of the statutes is amended to read:

14           973.05 (3) (b) The court may require that the defendant perform community  
15 service work for a public agency or a nonprofit charitable organization. The number  
16 of hours of work required may not exceed what would be reasonable considering the  
17 seriousness of the offense and any ~~other offense which is read into the record at the~~  
18 ~~time of conviction~~ read-in crimes. An order may only apply if agreed to by the  
19 defendant and the organization or agency. The court shall ensure that the defendant  
20 is provided a written statement of the terms of the community service order and that  
21 the community service order is monitored.

22           **SECTION 856.** 973.05 (4) (b) of the statutes is amended to read:

23           973.05 (4) (b) Issue an order assigning not more than 25% of the defendant's  
24 commissions, earnings, salaries, wages, pension benefits, benefits under ch. 102, and  
25 other money due or to be due in the future to the clerk of circuit court for payment

1 of the unpaid fine, surcharge, costs, or fees. In this paragraph, “employer” includes  
2 the state and its political subdivisions.

3 **SECTION 857.** 973.05 (4) (c) of the statutes is amended to read:

4 973.05 (4) (c) Issue an order assigning lottery prizes won by a defendant whose  
5 name is on the list supplied to the clerk of ~~circuit court~~ under s. 565.30 (5r) (a), for  
6 payment of the unpaid fine, surcharge, costs, or fees.

7 **SECTION 858.** 973.05 (5) (a) 1. of the statutes is amended to read:

8 973.05 (5) (a) 1. Upon entry of the assignment under sub. (4) (b), unless the  
9 court finds that income withholding is likely to cause the defendant irreparable  
10 harm, the court shall provide notice of the assignment by regular mail to the  
11 last-known address of the person from whom the defendant receives or will receive  
12 money. If the clerk of ~~circuit court~~ does not receive the money from the person  
13 notified, the court shall provide notice of the assignment to any other person from  
14 whom the defendant receives or will receive money. Notice of an assignment under  
15 sub. (4) (b) shall inform the intended recipient that, if a prior assignment under sub.  
16 (4) (b) has been received relating to the same defendant, the recipient is required to  
17 notify the clerk of ~~circuit court~~ that sent the subsequent notice of assignment that  
18 another assignment has already been received. A notice of assignment shall include  
19 a form permitting the recipient to designate on the form that another assignment has  
20 already been received.

21 **SECTION 859.** 973.05 (5) (a) 2. of the statutes is amended to read:

22 973.05 (5) (a) 2. If, after receiving the annual list under s. 565.30 (5r) (a), the  
23 clerk of ~~circuit court~~ determines that a person identified in the list may be subject  
24 to an assignment under sub. (4) (c), the clerk shall inform the court of that  
25 determination. If the court issues an order under sub. (4) (c), the clerk of ~~circuit court~~

1 shall send the notice of that order to the administrator of the lottery division of the  
2 department of revenue, including a statement of the amount owed under the  
3 judgment and the name and address of the person owing the judgment. The court  
4 shall notify the administrator of the lottery division of the department of revenue  
5 when the judgment that is the basis of the assignment has been paid in full.

6 **SECTION 860.** 973.05 (5) (c) of the statutes is amended to read:

7 973.05 (5) (c) A person who receives notice of the assignment under sub. (4) (b)  
8 shall withhold the amount specified in the notice from any money that person pays  
9 to the defendant later than one week after receipt of the notice of assignment. Within  
10 5 days after the day on which the person pays money to the defendant, the person  
11 shall send the amount withheld to the clerk of ~~circuit~~ the court of the jurisdiction  
12 providing notice. If the person has already received a notice of an assignment under  
13 sub. (4) (b), the person shall retain the later assignment and withhold the amount  
14 specified in that assignment after the last of any prior assignments is paid in full.  
15 Within 10 days of receipt of the later notice, the person shall notify the clerk of ~~circuit~~  
16 the court that sent the notice that the person has received a prior notice of an  
17 assignment under sub. (4) (b). Section 241.09 does not apply to assignments under  
18 this section.

19 **SECTION 861.** 973.05 (5) (d) of the statutes is amended to read:

20 973.05 (5) (d) If after receipt of notice of assignment under par. (a) 1. the person  
21 from whom the defendant receives money fails to withhold the money or send the  
22 money to the clerk of ~~circuit court~~ as provided in this subsection, the person may be  
23 proceeded against under the principal action under ch. 785 for contempt of court or  
24 may be proceeded against under ch. 778 and be required to forfeit not less than \$50

1 nor more than an amount, if the amount exceeds \$50, that is equal to 1% of the  
2 amount not withheld or sent.

3 **SECTION 862.** 973.05 (5) (e) of the statutes is amended to read:

4 973.05 (5) (e) If an employer who receives notice of an assignment under sub.  
5 (4) (b) fails to notify the clerk of ~~circuit court~~ within 10 days after an employee is  
6 terminated or otherwise temporarily or permanently leaves the employer's  
7 employment, the employer may be proceeded against under the principal action  
8 under ch. 785 for contempt of court.

9 **SECTION 863.** 973.055 (2) (a) of the statutes is amended to read:

10 973.055 (2) (a) If the surcharge is imposed by a court of record, after the court  
11 determines the amount due, the clerk of ~~the court~~ shall collect and transmit the  
12 amount to the county treasurer as provided in s. 59.40 (2) (m). The county treasurer  
13 shall then make payment to the secretary of administration as provided in s. 59.25  
14 (3) (f) 2.

15 **SECTION 864.** 973.06 (1) (av) 2. a. and b. of the statutes are amended to read:

16 973.06 (1) (av) 2. a. The defendant was charged under s. 946.41 solely because  
17 he or she recanted a report of abusive conduct, including interspousal battery, as  
18 described under s. 940.19 or 940.20 (1m), domestic abuse, as defined in s. 49.165 (1)  
19 (a), 813.12 (1) (am), or ~~968.075~~ 969.27 (1) (a), harassment, as defined in s. 813.125  
20 (1), sexual exploitation by a therapist under s. 940.22, sexual assault under s.  
21 940.225, child abuse, as defined under s. 813.122 (1) (a), or child abuse under ss.  
22 948.02 to 948.11.

23 b. The defendant was a victim of abusive conduct, including interspousal  
24 battery, as described under s. 940.19 or 940.20 (1m), domestic abuse, as defined in  
25 s. 49.165 (1) (a), 813.12 (1) (am), or ~~968.075~~ 969.27 (1) (a), harassment, as defined in

1 s. 813.125 (1), sexual exploitation by a therapist under s. 940.22, sexual assault  
2 under s. 940.225, child abuse, as defined under s. 813.122 (1) (a), or child abuse under  
3 ss. 948.02 to 948.11, and he or she was charged under s. 946.41 based on information  
4 he or she omitted or false information he or she provided during the course of an  
5 investigation into the crime committed against him or her.

6 **SECTION 865.** 973.06 (1) (h) of the statutes is amended to read:

7 973.06 (1) (h) The cost of performance of a test under s. ~~968.38~~ 968.725, if  
8 ordered by the court.

9 **SECTION 866.** 973.076 (1) (b) 1. of the statutes is amended to read:

10 973.076 (1) (b) 1. The district attorney of the county within which the property  
11 was seized or in which the defendant is convicted shall commence the forfeiture  
12 action within 30 days after the seizure of the property or the date of conviction,  
13 whichever is earlier, except that the defendant may request that the forfeiture  
14 proceedings be adjourned until after adjudication of any charge concerning a crime  
15 which was the basis for the seizure of the property. The request shall be granted.  
16 The forfeiture action shall be commenced by filing a summons, complaint and  
17 affidavit of the person who seized the property with the clerk of ~~circuit court~~,  
18 provided service of authenticated copies of those papers is made in accordance with  
19 ch. 801 within 90 days after filing upon the person from whom the property was  
20 seized and upon any person known to have a bona fide perfected security interest in  
21 the property.

22 **SECTION 867.** 973.076 (2m) (b) of the statutes is amended to read:

23 973.076 (2m) (b) A criminal complaint must allege the extent of property  
24 subject to forfeiture under this subsection. At trial, the court or the jury shall return  
25 a special verdict determining the extent of property, if any, that is subject to forfeiture

1 under this subsection. When a special verdict contains a finding of property subject  
2 to a forfeiture under this subsection, a judgment of criminal forfeiture shall be  
3 entered along with the judgment of conviction under s. ~~972.13~~ 972.28.

4 **SECTION 868.** 973.08 (5) of the statutes is amended to read:

5 973.08 (5) The clerk of court shall file or deliver a transcript under sub. (2), (3)  
6 or (4).

7 **SECTION 869.** 973.09 (2) (a) 1. b. of the statutes is amended to read:

8 973.09 (2) (a) 1. b. A misdemeanor that was an act of domestic abuse, as defined  
9 in s. ~~968.075~~ 969.27 (1) (a).

10 **SECTION 870.** 973.09 (3) (b) of the statutes is amended to read:

11 973.09 (3) (b) The department shall notify the sentencing court, any person to  
12 whom unpaid restitution is owed and the district attorney of the status of the ordered  
13 restitution payments unpaid at least 90 days before the probation expiration date.  
14 If payment as ordered has not been made, the court shall hold a probation review  
15 hearing prior to the expiration date, unless the hearing is voluntarily waived by the  
16 probationer with the knowledge that waiver may result in an extension of the  
17 probation period or in a revocation of probation. If the court does not extend  
18 probation, it shall issue a judgment for the unpaid restitution and direct the clerk  
19 of circuit court to file and enter the judgment in the judgment and lien docket,  
20 without fee, unless it finds that the victim has already recovered a judgment against  
21 the probationer for the damages covered by the restitution order. If the court issues  
22 a judgment for the unpaid restitution, the court shall send to the person at his or her  
23 last-known address written notification that a civil judgment has been issued for the  
24 unpaid restitution. The judgment has the same force and effect as judgments  
25 entered under s. 806.10.

1           **SECTION 871.** 973.09 (3) (bg) 2. and 4. of the statutes are amended to read:

2           973.09 (3) (bg) 2. If the court does not extend probation, the court shall issue  
3 a judgment for the unpaid surcharge and direct the clerk of ~~circuit court~~ to file and  
4 enter the judgment in the judgment and lien docket. The judgment has the same  
5 force and effect as judgments entered under s. 806.10.

6           4. If the court does not extend or modify the terms of probation under subd. 3.,  
7 the court shall issue a judgment for the unpaid surcharge and direct the clerk of  
8 ~~circuit court~~ to file and enter the judgment in the judgment and lien docket without  
9 fee. If the court issues a judgment for the unpaid surcharge, the court shall send to  
10 the department a written notification that a civil judgment has been issued for the  
11 unpaid fees. The judgment has the same force and effect as judgments entered under  
12 s. 806.10.

13           **SECTION 872.** 973.09 (3) (bm) 4. of the statutes is amended to read:

14           973.09 (3) (bm) 4. If the court does not extend or modify the terms of probation  
15 under subd. 3., it shall issue a judgment for the unpaid fees and direct the clerk of  
16 ~~circuit court~~ to file and enter the judgment in the judgment and lien docket, without  
17 fee. If the court issues a judgment for the unpaid fees, the court shall send to the  
18 department a written notification that a civil judgment has been issued for the  
19 unpaid fees. The judgment has the same force and effect as judgments entered under  
20 s. 806.10.

21           **SECTION 873.** 973.09 (7m) (a) of the statutes is amended to read:

22           973.09 (7m) (a) Except as provided in s. 943.017 (3), the court may require as  
23 a condition of probation that the probationer perform community service work for a  
24 public agency or a nonprofit charitable organization. The number of hours of work  
25 required may not exceed what would be reasonable considering the seriousness of the

1 offense and any other offense which is read into the record at the time of conviction  
2 read-in crimes. An order may only apply if agreed to by the probationer and the  
3 organization or agency. The court shall ensure that the probationer is provided a  
4 written statement of the terms of the community service order and that the  
5 community service order is monitored. If the court requires the conditions provided  
6 in this subsection and sub. (4), the probationer reduces the period of confinement  
7 under sub. (4) at a rate of one day for each 3 days of work performed. A day of work  
8 equals 8 hours of work performed.

9 **SECTION 874.** 973.10 (2m) of the statutes is amended to read:

10 973.10 **(2m)** In any administrative hearing under sub. (2), the hearing  
11 examiner may order that a deposition be taken by audiovisual means and allow the  
12 use of a recorded deposition under s. ~~967.04 (7) to (10)~~ 967.22.

13 **SECTION 875.** 973.135 (3) of the statutes is amended to read:

14 973.135 **(3)** If a conviction under sub. (2) is reversed, set aside or vacated, the  
15 clerk of the court shall promptly forward to the state superintendent a certificate  
16 stating that the conviction has been reversed, set aside or vacated.

17 **SECTION 876.** 973.18 (title) of the statutes is renumbered 973.25 (title).

18 **SECTION 877.** 973.18 (1) of the statutes is renumbered 973.25 (1) and amended  
19 to read:

20 973.25 **(1)** In this section, “postconviction relief” and “sentencing” have the  
21 meanings ascribed in s. 809.30 (1) means an appeal or a motion for postconviction  
22 relief in a criminal case, other than an appeal, motion, or petition under s. 302.113  
23 (7m), 973.195, 974.03, 974.06, or 974.07 (2).

24 **SECTION 878.** 973.18 (2), (3) and (4) of the statutes are renumbered 973.25 (2),  
25 (3) and (4) and amended to read:

1           973.25 (2) ~~The trial judge~~ At the time of sentencing, the court shall personally  
2 inform the defendant ~~at the time of sentencing, orally or in writing,~~ of the defendant's  
3 right to seek pursue postconviction relief and, if the defendant is indigent, of the  
4 defendant's right to the assistance of the state public defender.

5           (3) Before ~~adjourning~~ concluding the sentencing proceeding, the judge court  
6 shall direct the defendant and defendant's trial counsel to sign a form to be entered  
7 in the record, indicating that the ~~lawyer~~ trial counsel has counseled the defendant  
8 regarding the decision to seek pursue postconviction relief, and that the defendant  
9 understands that a notice of intent to pursue postconviction relief must be filed in  
10 the trial court within 20 days after sentencing for ~~that~~ the right to pursue  
11 postconviction relief to be preserved. The court shall give the defendant a copy of the  
12 form.

13           (4) ~~The judge shall direct~~ court shall make appropriate orders to allow the  
14 ~~defendant's counsel~~ defendant to confer with the defendant before signing the form,  
15 ~~during the proceeding or as soon thereafter as practicable, and may make~~  
16 ~~appropriate orders to allow the defendant to confer with~~ counsel before being  
17 transferred to the state prison. ~~The defendant shall be given a copy of the form.~~

18           **SECTION 879.** 973.18 (5) of the statutes is renumbered 973.25 (5).

19           **SECTION 880.** 973.19 (title) of the statutes is renumbered 974.03 (title).

20           **SECTION 881.** 973.19 (1) (a) of the statutes is renumbered 974.03 (1) (a) and  
21 amended to read:

22           974.03 (1) (a) A ~~person~~ defendant sentenced to imprisonment or the intensive  
23 sanctions program or ordered to pay a fine who has not requested the preparation  
24 of transcripts under s. 809.30 (2) may, within 90 days after the sentence or order or

1 fine is entered imposed, move the circuit court to modify the sentence or the amount  
2 of the fine.

3 **SECTION 882.** 973.19 (1) (b) of the statutes is renumbered 974.03 (2) and  
4 amended to read:

5 974.03 (2) A ~~person~~ defendant who has requested transcripts under s. 809.30  
6 (2) may move for modification of a sentence or fine under s. 809.30 (2) (h).

7 **SECTION 883.** 973.19 (2), (3), (4) and (5) of the statutes are renumbered 974.03  
8 (1) (b), (c), (d) and (e) and amended to read:

9 974.03 (1) (b) Within 90 days after a motion under ~~sub. (1) par.~~ par. (a) is filed, the  
10 circuit court shall enter an order either determining the motion or, for cause,  
11 extending the time for doing so by not more than 90 days ~~for cause~~.

12 (c) If an order determining a motion under ~~sub. (1) par.~~ par. (a) is not entered timely  
13 under ~~sub. (2) par. (b)~~, the motion shall be considered denied and the clerk of the court  
14 shall immediately enter an order denying the motion.

15 (d) ~~An~~ The rules governing civil appeals govern an appeal from an order  
16 determining a motion under ~~sub. (1) par.~~ (a) ~~is governed by the procedure for civil~~  
17 appeals.

18 (e) By filing a motion under ~~sub. (1) par.~~ (a) the defendant waives his or her  
19 right to file an appeal or postconviction motion under s. 809.30 (2).

20 **SECTION 884.** 973.20 (1g) of the statutes is repealed.

21 **SECTION 885.** 973.20 (1r) of the statutes is amended to read:

22 973.20 (1r) When imposing sentence or ordering probation for any crime, other  
23 than a crime involving conduct that constitutes domestic abuse under s. 813.12 (1)  
24 (am) or ~~968.075~~ 969.27 (1) (a), for which the defendant was convicted, the court, in  
25 addition to any other penalty authorized by law, shall order the defendant to make

1 full or partial restitution under this section to any victim of a crime considered at  
2 sentencing or, if the victim is deceased, to his or her estate, unless the court finds  
3 substantial reason not to do so and states the reason on the record. When imposing  
4 sentence or ordering probation for a crime involving conduct that constitutes  
5 domestic abuse under s. 813.12 (1) (am) or ~~968.075~~ 969.27 (1) (a) for which the  
6 defendant was convicted or that was considered at sentencing, the court, in addition  
7 to any other penalty authorized by law, shall order the defendant to make full or  
8 partial restitution under this section to any victim of a crime or, if the victim is  
9 deceased, to his or her estate, unless the court finds that imposing full or partial  
10 restitution will create an undue hardship on the defendant or victim and describes  
11 the undue hardship on the record. Restitution ordered under this section is a  
12 condition of probation, extended supervision, or parole served by the defendant for  
13 a crime for which the defendant was convicted. After the termination of probation,  
14 extended supervision, or parole, or if the defendant is not placed on probation,  
15 extended supervision, or parole, restitution ordered under this section is enforceable  
16 in the same manner as a judgment in a civil action by the victim named in the order  
17 to receive restitution or enforced under ch. 785.

18 **SECTION 886.** 973.20 (9m) of the statutes is amended to read:

19 973.20 **(9m)** When restitution is ordered, the court shall inquire to see if  
20 recompense has been made under s. ~~969.13~~ 969.42 (5) (a). If recompense has been  
21 made and the restitution ordered is less than or equal to the recompense, the  
22 restitution shall be applied to the payment of costs and, if any restitution remains  
23 after the payment of costs, to the payment of the judgment. If recompense has been  
24 made and the restitution ordered is greater than the recompense, the victim shall  
25 receive an amount equal to the amount of restitution less the amount of recompense

1 and the balance shall be applied to the payment of costs and, if any restitution  
2 remains after the payment of costs, to the payment of the judgment. This subsection  
3 applies without regard to whether the person who paid the recompense is the person  
4 who is convicted of the crime.

5 **SECTION 887.** 973.20 (11) (a) of the statutes is amended to read:

6 973.20 (11) (a) Except as otherwise provided in this paragraph, the restitution  
7 order shall require the defendant to deliver the amount of money or property due as  
8 restitution to the department for transfer to the victim or other person to be  
9 compensated by a restitution order under this section. If the defendant is not placed  
10 on probation or sentenced to prison, the court may order that restitution be paid to  
11 the clerk of court for transfer to the appropriate person. The court shall impose on  
12 the defendant a restitution surcharge under ch. 814 equal to 5% of the total amount  
13 of any restitution, costs, attorney fees, court fees, fines, and surcharges ordered  
14 under s. 973.05 (1) and imposed under ch. 814, which shall be paid to the department  
15 or the clerk of court for administrative expenses under this section.

16 **SECTION 888.** 973.20 (12) (c) of the statutes is amended to read:

17 973.20 (12) (c) If a defendant is subject to more than one order under this  
18 section and the financial obligations under any order total \$50 or less, the  
19 department or the clerk of court, whichever is applicable under sub. (11) (a), may pay  
20 these obligations first.

21 **SECTION 889.** 974.02 of the statutes is amended to read:

22 **974.02 Appeals and postconviction relief in criminal cases Direct**  
23 **appeals.** (1) ~~A motion for postconviction relief other than under s. 974.06 or 974.07~~  
24 ~~(2) by the defendant in a criminal case shall be made in the time and manner~~  
25 ~~provided in s. 809.30. An appeal by the The defendant in a criminal case may appeal~~

1 from a judgment of conviction or from an order denying a postconviction motion or  
2 from both. A direct appeal from a judgment of conviction shall be taken in the time  
3 and manner provided in ss. 808.04 (3) and 809.30 ~~to 809.32~~. An appeal of an order  
4 or judgment on habeas corpus remanding to custody a prisoner committed for trial  
5 under s. ~~970.03~~ 971.042 shall be taken under ss. 808.03 (2) and 809.50, with notice  
6 to the attorney general and the district attorney and opportunity for them to be  
7 heard.

8 (2) An appellant is not required to file a postconviction motion in the ~~trial~~  
9 circuit court prior to an appeal if the grounds are sufficiency of the evidence or issues  
10 previously raised.

11 **SECTION 890.** 974.05 (1) (intro.) of the statutes is amended to read:

12 974.05 (1) (intro.) Within the time period specified by s. 808.04 (4) and in the  
13 manner provided for civil appeals under chs. 808 and 809, ~~an appeal may be taken~~  
14 ~~by the state from~~ may appeal any of the following:

15 **SECTION 891.** 974.05 (1) (a), (b), (c) and (d) (intro.), 1. and 2. of the statutes are  
16 amended to read:

17 974.05 (1) (a) ~~Final~~ A final order or judgment adverse to the state, whether  
18 following a trial or a plea of guilty or no contest, if the appeal would not be prohibited  
19 by constitutional protections against double jeopardy.

20 (b) ~~Order~~ An order granting postconviction relief under s. 974.02, 974.03,  
21 974.06, or 974.07.

22 (c) ~~Judgment~~ A judgment and sentence or order of probation not authorized by  
23 law.

24 (d) (intro.) ~~Order~~ An order or judgment the substantive effect of which results  
25 in any of the following:

1 1. Quashing an arrest warrant;.

2 2. Suppressing evidence; or.

3 **SECTION 892.** 974.05 (2) of the statutes is amended to read:

4 974.05 (2) If the defendant appeals or prosecutes a writ of error, the state may  
5 ~~move to review rulings of which it complains~~ cross-appeal any order, judgment, or  
6 sentence described in sub. (1) (a) to (d), as provided by in s. 809.10 (2) (b).

7 **SECTION 893.** 974.05 (3) of the statutes is repealed.

8 **SECTION 894.** 974.06 (title), (1), (2) and (3) (intro.), (a), (b) and (d) of the statutes  
9 are amended to read:

10 **974.06 (title) ~~Postconviction Collateral postconviction~~ procedure. (1)**  
11 ~~After~~ At any time after the time for direct appeal ~~or postconviction remedy~~ provided  
12 in s. 974.02 has expired, a prisoner who is in custody under sentence of a court ~~or a~~  
13 ~~person convicted and placed with a volunteers in probation program under s. 973.11~~  
14 claiming and who claims the right to be released upon the ground that the sentence  
15 was imposed in violation of the U.S. constitution or the constitution or laws of this  
16 state, that the court ~~was without~~ lacked jurisdiction to impose such the sentence, or  
17 that the sentence ~~was in excess of~~ exceeded the maximum authorized by law or is  
18 otherwise subject to collateral ~~attaek~~ review, may move the court which imposed the  
19 sentence to vacate, set aside, or correct the sentence.

20 (2) ~~A copy of the motion for such relief is a part of the original criminal action,~~  
21 ~~is not a separate proceeding and may be made at any time~~ under sub. (1) must be  
22 served on the district attorney.

23 **(2m)** A motion under sub. (1) is part of the original criminal action, is not a  
24 separate proceeding, and may be made at any time. The supreme court may  
25 prescribe the form of the motion.

1           **(3)** (intro.) Unless the motion under sub. (1) and the files and records of the  
2           action conclusively show that the ~~person~~ prisoner is entitled to no relief, the court  
3           shall do all of the following:

4           (a) ~~Cause a copy of the notice to be served upon~~ Order the district attorney who  
5           shall to file a written response within the time prescribed by the court.

6           (b) If it appears that counsel is necessary and if the ~~defendant~~ prisoner claims  
7           or appears to be indigent, refer the ~~person~~ prisoner to the appellate division of the  
8           state public defender for an indigency determination and appointment of counsel  
9           under ch. 977. The court shall forward a copy of the motion and any response of the  
10          district attorney to the state public defender.

11          (d) Determine the issues and make findings of fact and conclusions of law. If  
12          the court finds that it rendered the judgment was rendered without jurisdiction, or  
13          that the sentence imposed was not authorized by law or is otherwise open to  
14          collateral ~~attaek~~ review, or that there has been such a denial or infringement of the  
15          constitutional rights of the ~~person~~ prisoner as to render the judgment vulnerable to  
16          collateral ~~attaek~~ review, the court shall vacate and set aside the judgment ~~aside~~ and  
17          shall discharge the ~~person~~ prisoner or resentence ~~him or her or the prisoner~~, grant  
18          the prisoner a new trial, or correct the sentence as may appear appropriate.

19          **SECTION 895.** 974.06 (4) of the statutes is amended to read:

20          974.06 **(4)** All grounds for relief available to a ~~person~~ prisoner under this  
21          section must be raised in his or her original, supplemental, or amended motion. Any  
22          ground finally adjudicated or not so raised, or knowingly, voluntarily, and  
23          intelligently waived in the proceeding that resulted in the conviction or sentence or  
24          in any other proceeding the ~~person~~ prisoner has taken to secure relief may not be the  
25          basis for a subsequent motion, unless the court finds a ground for relief asserted

1 ~~which that~~, for sufficient reason, was not asserted or was inadequately raised in the  
2 original, supplemental, or amended motion.

3 **SECTION 896.** 974.06 (5), (6), (7) and (8) of the statutes are amended to read:

4 974.06 (5) ~~A Subject to s. 974.08, a court may entertain and determine such~~  
5 ~~a motion under sub. (1) without requiring the production of the prisoner at the~~  
6 ~~hearing. The court may hear the motion may be heard by telephone or live~~  
7 ~~audiovisual means~~ under s. 807.13.

8 (6) Proceedings under this section shall be considered civil in nature, and the  
9 burden of proof shall be upon the ~~person~~ prisoner.

10 (7) ~~An A prisoner may appeal may be taken from the an~~ order entered on the  
11 ~~motion under sub. (1) as from if the order were~~ a final judgment.

12 (8) ~~A court may not entertain a~~ petition for a writ of habeas corpus or an action  
13 seeking that remedy ~~in on~~ behalf of a ~~person~~ prisoner who is authorized to apply for  
14 relief by motion under ~~this section shall not be entertained~~ sub. (1) if it appears that  
15 the applicant prisoner has failed to apply for relief, by file a motion, to under sub. (1)  
16 with the court which sentenced the ~~person~~ prisoner, or that the court has denied the  
17 ~~person relief motion~~, unless it also appears that the remedy by motion is inadequate  
18 or ineffective to test the legality of his or her the prisoner's detention.

19 **SECTION 897.** 974.07 (4) (b) of the statutes is amended to read:

20 974.07 (4) (b) Notwithstanding the limitation on the disclosure of mailing  
21 addresses from completed information cards submitted by victims under ss. 51.37  
22 (10) (dx), 301.046 (4) (d), 301.048 (4m) (d), 301.38 (4), 302.105 (4), 304.06 (1) (f),  
23 304.063 (4), 938.51 (2), ~~971.17~~ 971.85 (6m) (d), and 980.11 (4), the department of  
24 corrections, the parole commission, and the department of health services shall,  
25 upon request, assist clerks of court in obtaining information regarding the mailing

1 address of victims for the purpose of sending copies of motions and notices of hearings  
2 under par. (a).

3 **SECTION 898.** 974.07 (7) (b) 1. of the statutes is amended to read:

4 974.07 (7) (b) 1. It is reasonably probable that the outcome of the proceedings  
5 that resulted in the conviction, the finding of not guilty by reason of mental disease  
6 or defect, or the delinquency adjudication for the offense at issue in the motion under  
7 sub. (2), or the terms of the sentence, the commitment under s. ~~971.17~~ 971.85, or the  
8 disposition under ch. 938, would have been more favorable to the movant if the  
9 results of deoxyribonucleic acid testing had been available before he or she was  
10 prosecuted, convicted, found not guilty by reason of mental disease or defect, or  
11 adjudicated delinquent for the offense.

12 **SECTION 899.** 974.07 (9) (a) of the statutes is amended to read:

13 974.07 (9) (a) If a person other than the movant is in custody, as defined in s.  
14 ~~968.205~~ 968.645 (1) (a), the evidence is relevant to the criminal, delinquency, or  
15 commitment proceeding that resulted in the person being in custody, the person has  
16 not been denied deoxyribonucleic acid testing or postconviction relief under this  
17 section, and the person has not waived his or her right to preserve the evidence under  
18 s. 165.81 (3), 757.54 (2), ~~968.205~~ 968.645, or 978.08, the court shall order the evidence  
19 preserved until all persons entitled to have the evidence preserved are released from  
20 custody, and the court shall designate who shall preserve the evidence.

21 **SECTION 900.** 974.07 (10) (a) 4. of the statutes is amended to read:

22 974.07 (10) (a) 4. An order discharging the movant from custody, as defined in  
23 s. ~~968.205~~ 968.645 (1) (a), if the movant is in custody.

24 **SECTION 901.** 974.08 (title) of the statutes is created to read:

25 **974.08 (title) Defendant's presence at postconviction proceedings.**

1           **SECTION 902.** 974.08 (1) of the statutes is created to read:

2           974.08 (1) A defendant has the right to be present at a postconviction  
3 proceeding when the hearing will address substantial issues of fact as to events in  
4 which the defendant participated and those issues are supported by more than mere  
5 allegations.

6           **SECTION 903.** 974.08 (2) and (3) of the statutes are created to read:

7           974.08 (2) A defendant need not be present at the pronouncement or entry of  
8 an order granting or denying relief under s. 974.02, 974.03, 974.06, or 974.07. If the  
9 defendant is not present, the time for appealing the order shall commence after a  
10 copy has been served upon the defendant's counsel or, if he or she appeared without  
11 counsel, upon the defendant, except as provided in sub. (3). Service of such an order  
12 shall be complete upon mailing.

13           (3) A defendant appearing without counsel shall supply the court with his or  
14 her current mailing address. If the defendant fails to supply the court with a current  
15 and accurate mailing address, the defendant's failure to receive a copy of the order  
16 granting or denying relief shall not be a ground for tolling the time in which an appeal  
17 must be taken.

18           **SECTION 904.** 974.09 (title) of the statutes is created to read:

19           **974.09 (title) Release pending appeal.**

20           **SECTION 905.** 977.02 (2m) of the statutes is amended to read:

21           977.02 (2m) Promulgate rules regarding eligibility for legal services under this  
22 chapter, including legal services for persons who are entitled to be represented by  
23 counsel without a determination of indigency, as provided in s. ~~48.23 (4)~~, 51.60, or  
24 55.105, or and for children who are entitled to be represented by counsel without a  
25 determination of indigency, as provided in s. 48.23 (4) or 938.23 (4).

1           **SECTION 906.** 977.02 (3) (intro.) of the statutes is amended to read:

2           977.02 **(3)** (intro.) Promulgate rules regarding the determination of indigency  
3 of persons entitled to be represented by counsel, other than persons who are entitled  
4 to be represented by counsel under s. 48.23, 51.60, or 55.105, or children who are  
5 entitled to be represented by counsel without a determination of indigency under s.  
6 48.23 or 938.23, including the time period in which the determination must be made  
7 and the criteria to be used to determine indigency and partial indigency. The rules  
8 shall specify that, in determining indigency, the representative of the state public  
9 defender shall do all of the following:

10           **SECTION 907.** 977.02 (4r) of the statutes is amended to read:

11           977.02 **(4r)** Promulgate rules that establish procedures to provide the  
12 department of administration with any information concerning the collection of  
13 payment ordered under s. 48.275 (2), 757.66, 938.275 (2), 973.06 (1) (e), or 977.076  
14 ~~(1)~~.

15           **SECTION 908.** 977.03 (2m) of the statutes is amended to read:

16           977.03 **(2m)** The board may promulgate rules that establish procedures to  
17 collect payment ordered under s. 48.275 (2), 757.66, 938.275 (2), 973.06 (1) (e), or  
18 977.076 ~~(1)~~ from a prisoner's prison financial account.

19           **SECTION 909.** 977.05 (4) (gm) of the statutes is amended to read:

20           977.05 **(4)** (gm) In accordance with the standards under pars. (h) and (i), accept  
21 referrals from judges and courts for the provision of legal services without a  
22 determination of indigency of persons who are entitled to be represented by counsel  
23 under s. 48.23, 51.60, or 55.105, or children who are entitled to be represented by  
24 counsel under s. 48.23 or 938.23, appoint counsel in accordance with contracts and

1 policies of the board, and inform the referring judge or court of the name and address  
2 of the specific attorney who has been assigned to the case.

3 **SECTION 910.** 977.05 (4) (h) of the statutes is amended to read:

4 977.05 (4) (h) Accept requests for legal services from children who are entitled  
5 to be represented by counsel under s. 48.23 or 938.23, from persons who are entitled  
6 to be represented by counsel under s. ~~48.23~~, 51.60, or 55.105, ~~or 938.23~~ and from  
7 indigent persons who are entitled to be represented by counsel under s. ~~967.06~~  
8 971.013 or who are otherwise so entitled under the constitution or laws of the United  
9 States or this state and provide such persons with legal services when, in the  
10 discretion of the state public defender, such provision of legal services is appropriate.

11 **SECTION 911.** 977.05 (4) (j) of the statutes is amended to read:

12 977.05 (4) (j) Subject to sub. (6) (e) and (f), at the request of any person  
13 determined by the state public defender to be indigent or upon referral of any court,  
14 prosecute a writ of error, appeal, action or proceeding for habeas corpus or other  
15 postconviction or post-commitment remedy on behalf of the person before any court,  
16 if the state public defender determines the case should be pursued. The state public  
17 defender must pursue the case of any indigent person entitled to counsel under s.  
18 ~~971.17~~ 971.85 (7) (b) 1. or 980.03 (2) (a).

19 **SECTION 912.** 977.05 (6) (b) 2. of the statutes is amended to read:

20 977.05 (6) (b) 2. The judge ~~or circuit court commissioner~~ before whom the  
21 proceedings shall be held certifies to the state public defender that the person will  
22 not be incarcerated if he or she is found in contempt of court.

23 **SECTION 913.** 977.05 (6) (e) (intro.) and 2. of the statutes are amended to read:

24 977.05 (6) (e) (intro.) The state public defender may not provide legal services  
25 or assign counsel for a person who files a motion to modify sentence under s. ~~973.19~~

1 974.03 (1) (a), or for a person who appeals, under s. ~~973.19 (4)~~ 974.03 (1) (d), the denial  
2 of a motion to modify sentence filed under s. ~~973.19~~ 974.03 (1) (a), unless the person  
3 does one of the following:

4 2. Files the motion to modify sentence under s. ~~973.19~~ 974.03 (1) (a) within 20  
5 days after the sentence or order is entered.

6 **SECTION 914.** 977.06 (2) (a) of the statutes is amended to read:

7 977.06 (2) (a) A person seeking to have counsel assigned for him or her under  
8 s. 977.08, other than a person who is entitled to be represented by counsel under s.  
9 ~~48.23, 51.60, or 55.105~~, or a child who is entitled to be represented by counsel under  
10 s. ~~48.23~~ or 938.23, shall sign a statement declaring that he or she has not disposed  
11 of any assets for the purpose of qualifying for that assignment of counsel. If the  
12 representative or authority making the indigency determination finds that any asset  
13 was disposed of for less than its fair market value for the purpose of obtaining that  
14 assignment of counsel, the asset shall be counted under rules promulgated under s.  
15 977.02 (3) at its fair market value at the time it was disposed of, minus the amount  
16 of compensation received for the asset.

17 **SECTION 915.** 977.06 (2) (am) of the statutes is amended to read:

18 977.06 (2) (am) A person seeking to have counsel assigned for him or her under  
19 s. 977.08, other than a person who is entitled to be represented by counsel under s.  
20 ~~48.23, 51.60, or 55.105~~, or a child who is entitled to be represented by counsel under  
21 s. ~~48.23~~ or 938.23, shall sign a statement declaring that the information that he or  
22 she has given to determine eligibility for assignment of counsel he or she believes to  
23 be true and that he or she is informed that he or she is subject to the penalty under  
24 par. (b).

25 **SECTION 916.** 977.06 (3) (b) of the statutes is amended to read:

1           977.06 (3) (b) The state public defender may petition a court that ordered  
2 payment under s. 757.66, 973.06 (1) (e), or 977.076 (1) to modify an order or judgment  
3 to adjust the amount of payment or the scheduled amounts at any time.

4           **SECTION 917.** 977.07 (1) (a) of the statutes is amended to read:

5           977.07 (1) (a) Determination of indigency for persons entitled to counsel shall  
6 be made as soon as possible and shall be in accordance with the rules promulgated  
7 by the board under s. 977.02 (3) and the system established under s. 977.06. No  
8 determination of indigency is required for a person who is entitled to be represented  
9 by counsel under s. ~~48.23~~, 51.60, or 55.105, or for a child who is entitled to be  
10 represented by counsel under s. 48.23 or 938.23. The state public defender may also  
11 appoint counsel without a determination of indigency if the state public defender has  
12 reason to doubt the competency of a person who has been charged with a crime or who  
13 is pursuing postconviction relief in a criminal case.

14           **SECTION 918.** 977.07 (1) (c) of the statutes is amended to read:

15           977.07 (1) (c) For all referrals made under ss. 809.107, 809.30, 974.06 (3) (b)  
16 and 974.07 (11), except a referral of a person who is entitled to be represented by  
17 counsel under s. ~~48.23~~, 51.60, or 55.105, or of a child who is entitled to be represented  
18 by counsel under s. 48.23 or 938.23, a representative of the state public defender  
19 shall determine indigency. For referrals made under ss. 809.107, 809.30 and 974.06  
20 (3) (b), except a referral of a person who is entitled to be represented by counsel under  
21 s. ~~48.23~~, 51.60, or 55.105, or of a child who is entitled to be represented by counsel  
22 under s. 48.23 or 938.23, the representative of the state public defender may, unless  
23 a request for redetermination has been filed under s. 809.30 (2) (d) or the person's  
24 request for representation states that his or her financial circumstances have

1 materially improved, rely upon a determination of indigency made for purposes of  
2 trial representation under this section.

3 **SECTION 919.** 977.07 (2m) of the statutes is amended to read:

4 977.07 **(2m)** If the person is found to be indigent in full or in part, the person  
5 shall be promptly informed of the state's right to payment or recoupment under s.  
6 48.275 (2), 757.66, 938.275 (2), 973.06 (1) (e), or 977.076 ~~(1)~~, and the possibility that  
7 the payment of attorney fees may be made a condition of probation, should the person  
8 be placed on probation. Furthermore, if found to be indigent in part, the person shall  
9 be promptly informed of the extent to which he or she will be expected to pay for  
10 counsel, and whether the payment shall be in the form of a lump sum payment or  
11 periodic payments. The person shall be informed that the payment amount may be  
12 adjusted if his or her financial circumstances change by the time of sentencing. The  
13 payment and payment schedule shall be set forth in writing. This subsection does  
14 not apply to persons who have paid under s. 977.075 (3m).

15 **SECTION 920.** 977.076 (1) of the statutes is repealed.

16 **SECTION 921.** 977.076 (2) of the statutes is renumbered 977.076 and amended  
17 to read:

18 **977.076 Collections.** The department of administration may collect unpaid  
19 reimbursement payments to the state public defender ordered by a court under sub-  
20 ~~(1)~~ or s. 48.275 (2), 757.66, 938.275 (2) (a), or 973.06 (1) (e). The department may  
21 contract with a private collection agency to collect these payments. Section 16.705  
22 does not apply to a contract under this ~~subsection~~ section.

23 **SECTION 922.** 977.08 (2) (intro.) of the statutes is amended to read:

24 977.08 **(2)** (intro.) All attorneys in a county shall be notified in writing by the  
25 state public defender that a set of lists is being prepared of attorneys willing to

1 represent persons referred under s. ~~48.23 (4)~~, 51.60, or 55.105, or children referred  
2 under s. 48.23 (4) or 938.23 (4) and indigent clients in the following:

3 **SECTION 923.** 978.045 (1r) (cm) of the statutes, as affected by 2015 Wisconsin  
4 Act 64, is amended to read:

5 978.045 (1r) (cm) The judge may not appoint an attorney as a special  
6 prosecutor to assist the district attorney in John Doe proceedings under s. ~~968.26~~  
7 968.105 unless a condition under par. (bm) 1. to 8. exists or unless the judge  
8 determines that a complaint received under s. ~~968.26~~ 968.105 (2) (am) relates to the  
9 conduct of the district attorney to whom the judge otherwise would refer the  
10 complaint. This paragraph does not prohibit assistance authorized by s. 978.05 (8).

11 **SECTION 924.** 978.05 (3) of the statutes is amended to read:

12 978.05 (3) JOHN DOE PROCEEDINGS. Participate in investigatory proceedings  
13 under s. ~~968.26~~ 968.105.

14 **SECTION 925.** 978.05 (4) of the statutes is amended to read:

15 978.05 (4) GRAND JURY. When requested by a grand jury under s. ~~968.47~~  
16 968.225, attend the grand jury for the purpose of examining witnesses in their  
17 presence; give the grand jury advice in any legal matter; draw bills of indictment; and  
18 issue subpoenas and other processes to compel the attendance of witnesses.

19 **SECTION 926.** 978.05 (6) (a) of the statutes, as affected by 2015 Wisconsin Act  
20 55, is amended to read:

21 978.05 (6) (a) Institute, commence, or appear in all civil actions or special  
22 proceedings under and perform the duties set forth for the district attorney under ch.  
23 980 and ss. 17.14, 30.03 (2), 48.09 (5), 59.55 (1), 59.64 (1), 70.36, 89.08, 103.50 (8),  
24 103.92 (4), 109.09, 343.305 (9) (a), 806.05, 938.09, 938.18, 938.355 (6) (b) and (6g) (a),  
25 946.86, 946.87, 961.55 (5), ~~971.14~~ 971.81, and 973.075 to 973.077, perform any duties

1 in connection with court proceedings in a court assigned to exercise jurisdiction  
2 under chs. 48 and 938 as the judge may request and perform all appropriate duties  
3 and appear if the district attorney is designated in specific statutes, including  
4 matters within chs. 782, 976 and 979 and subch. I of ch. 968 and ss. 51.81 to 51.85.  
5 Nothing in this paragraph limits the authority of the county board to designate,  
6 under s. 48.09 (5), that the corporation counsel provide representation as specified  
7 in s. 48.09 (5) or to designate, under s. 48.09 (6) or 938.09 (6), the district attorney  
8 as an appropriate person to represent the interests of the public under s. 48.14 or  
9 938.14.

10 **SECTION 927.** 978.08 (1) (a) and (b) and (2) of the statutes are amended to read:

11 978.08 (1) (a) “Custody” has the meaning given in s. ~~968.205~~ 968.645 (1) (a).

12 (b) “Discharge date” has the meaning given in s. ~~968.205~~ 968.645 (1) (b).

13 (2) Except as provided in sub. (3), if physical evidence that is in the possession  
14 of a district attorney includes any biological material that was collected in connection  
15 with a criminal investigation that resulted in a criminal conviction, delinquency  
16 adjudication, or commitment under s. ~~971.17~~ 971.85 or 980.06 ~~and the biological~~  
17 ~~material is from a victim of the offense that was the subject of the criminal~~  
18 ~~investigation or may reasonably be used to incriminate or exculpate any person for~~  
19 ~~the offense~~, the district attorney shall preserve the physical evidence until every  
20 person in custody as a result of the conviction, adjudication, or commitment has  
21 reached his or her discharge date.

22 **SECTION 928.** 979.02 of the statutes is amended to read:

23 **979.02 Autopsies.** The coroner, medical examiner or district attorney may  
24 order the conducting of an autopsy upon the body of a dead person any place within  
25 the state in cases where an inquest might be had as provided in s. ~~979.04~~ 968.015

1 notwithstanding the fact that no such inquest is ordered or conducted. The autopsy  
2 shall be conducted by a licensed physician who has specialized training in pathology.  
3 The district attorney may move the ~~circuit~~ court for the county in which the body is  
4 buried for an order disinterring the body for purposes of autopsy. The order shall be  
5 granted by the ~~circuit~~ court upon a reasonable showing that any of the criteria  
6 specified in s. ~~979.04~~ 968.015 exists. This section does not prevent additional  
7 autopsies or examinations of the body if there are unanswered pathological  
8 questions concerning the death and the causes of death.

9 **SECTION 929.** 979.025 (1) of the statutes is amended to read:

10 979.025 (1) INMATE CONFINED TO AN INSTITUTION IN THIS STATE. If an individual  
11 dies while he or she is in the legal custody of the department and confined to a  
12 correctional facility located in this state, the coroner or medical examiner of the  
13 county where the death occurred shall perform an autopsy on the deceased  
14 individual. If the coroner or medical examiner who performs the autopsy determines  
15 that the individual's death may have been the result of any of the situations that  
16 would permit the district attorney to order an inquest under s. ~~979.04~~ 968.015 (1),  
17 the coroner or medical examiner shall follow the procedures under s. ~~979.04~~ 968.015  
18 (2).

19 **SECTION 930.** 979.025 (2) of the statutes is amended to read:

20 979.025 (2) INMATE CONFINED IN AN INSTITUTION IN ANOTHER STATE. If an  
21 individual dies while he or she is in the legal custody of the department and confined  
22 to a correctional facility in another state under a contract under s. 301.07, 301.21,  
23 or 302.25, the department shall have an autopsy performed by an appropriate  
24 authority in the other state or by the coroner or medical examiner of the county in  
25 which the ~~circuit~~ court is located that sentenced the individual to the custody of the

1 department. If the coroner or medical examiner who performs the autopsy in this  
2 state determines that the individual's death may have been the result of any of the  
3 situations that would permit the district attorney to order an inquest under s. 979.04  
4 968.015 (1), the coroner or medical examiner shall forward the results of the autopsy  
5 to the appropriate authority in the other state.

6 **SECTION 931.** 979.04 of the statutes is renumbered 968.015 and amended to  
7 read:

8 **968.015 Inquests: when ~~When~~ When inquests may be called.** (1) If the district  
9 attorney has notice of the death of any person and there is reason to believe from the  
10 circumstances surrounding the death that the person was a victim of felony murder,  
11 first-degree or 2nd-degree intentional homicide, first-degree or 2nd-degree  
12 reckless homicide, homicide by negligent handling of dangerous weapon, explosives,  
13 or fire, homicide by negligent operation of vehicle, homicide resulting from negligent  
14 control of a vicious animal ~~or,~~ homicide by intoxicated user use of a vehicle or firearm  
15 may have been committed, or that death may have been due to suicide or the person  
16 died under unexplained or suspicious circumstances, the district attorney may order  
17 that an inquest be conducted for the purpose of inquiring how the person died. The  
18 district attorney shall appear in any such inquest representing the state in  
19 presenting all evidence which may be relevant or material to the inquiry of the  
20 inquest. The inquest may be held in any county in this state in which venue would  
21 lie for the trial of any offense charged as the result of or involving the death.

22 **(4)** An inquest may ~~only~~ be ordered only by the district attorney acting under  
23 this subsection sub. (1) or by the circuit judge under sub. (2).

24 **(2)** If the coroner or medical examiner ~~has knowledge of the death of any~~ knows  
25 that a person has died in the manner or under the circumstances described under in

1 sub. (1), he or she shall immediately notify the district attorney. The notification  
2 shall include information concerning the circumstances surrounding the death. The  
3 coroner or medical examiner may request the district attorney to order an inquest  
4 under sub. (1). If the district attorney refuses to order the inquest, ~~a~~ the coroner  
5 or medical examiner may petition the ~~circuit~~ court to order an inquest. The court  
6 may issue the order if it finds that the district attorney has abused his or her  
7 discretion in not ordering an inquest.

8 (3) ~~Subsequent to receipt of~~ After receiving notice of the death, the district  
9 attorney may request the coroner or medical examiner to conduct a preliminary  
10 investigation and report back to the district attorney. The district attorney may  
11 determine the scope of the preliminary investigation. This subsection does not limit  
12 or prevent any other investigation into the death by any law enforcement agency  
13 with jurisdiction over the investigation.

14 **SECTION 932.** 979.05 (title) of the statutes is repealed.

15 **SECTION 933.** 979.05 (1) of the statutes is renumbered 968.025 (1) and amended  
16 to read:

17 968.025 (1) BY WHOM CONDUCTED. ~~An inquest shall be conducted by a circuit A~~  
18 ~~judge or a circuit court commissioner shall conduct each inquest.~~

19 **SECTION 934.** 979.05 (2) of the statutes is renumbered 968.025 (2) and amended  
20 to read:

21 968.025 (2) BEFORE WHOM CONDUCTED. The inquest shall be conducted before  
22 a jury unless the district attorney, coroner, or medical examiner requests that the  
23 inquest be conducted before the judge ~~or circuit court commissioner~~ only.

24 (4) (a) If the inquest is to be conducted before a jury, the clerk shall select, in  
25 the manner provided in s. 756.06 (1), a sufficient number of names of prospective

1 jurors shall be selected from the prospective juror list for the county in which the  
2 inquest is to be held by the clerk of circuit court in the manner provided in s. 756.06.  
3 The judge or circuit court commissioner conducting the inquest shall summon the  
4 prospective jurors to appear before the judge or circuit court commissioner at the  
5 time fixed in the summons. The summons may be served by mail, or by personal  
6 service if the judge, circuit court commissioner, or district attorney determines  
7 personal service to be appropriate. The summons shall be in the form used to  
8 summon petit jurors in the circuit courts of the county to ensure that the jury consists  
9 of 6 members.

10 (b) Any person who fails to appear when summoned as an inquest juror is  
11 subject to a forfeiture of shall forfeit not more than \$40. The inquest jury shall consist  
12 of 6 jurors. If 6 jurors do not remain

13 (d) If, after all prospective jurors have been examined, fewer than 12 remain  
14 from the number originally summoned after establishment of qualifications, the  
15 judge or circuit court commissioner conducting the inquest may require shall direct  
16 the clerk of the circuit court to select to draw sufficient additional jurors' names.  
17 Those persons shall be summoned forthwith by the The sheriff of the county shall  
18 summon those persons immediately.

19 **SECTION 935.** 979.05 (3) of the statutes is renumbered 968.025 (4) (c) and  
20 amended to read:

21 968.025 (4) (c) The judge or circuit court commissioner shall examine on oath  
22 or affirmation each person who is called as a juror to discover whether the juror is  
23 related by blood, or marriage or adoption to the decedent, any member of the  
24 decedent's family, the district attorney, any other attorney appearing in the case, or  
25 any members of the office of the district attorney or of the office of any other attorney

1 appearing in the case, has expressed or formed any opinion regarding the matters  
2 being inquired into in the inquest, or is aware of or has any bias or prejudice  
3 concerning the matters being inquired into in the inquest. If any prospective juror  
4 ~~is found~~ The court shall excuse any prospective juror whom it finds to be not  
5 indifferent or ~~is found~~ to have formed an opinion which that cannot be laid aside, that  
6 ~~juror shall be excused. The judge or circuit commissioner may select one or more~~  
7 ~~alternate jurors if the inquest is likely to be protracted.~~ This subsection paragraph  
8 does not limit the right of the district attorney to supplement the judge's or circuit  
9 commissioner's examination of any prospective jurors as to qualifications.

10 **SECTION 936.** 979.05 (4) of the statutes is renumbered 968.025 (5) and amended  
11 to read:

12 968.025 (5) OATH. ~~When~~ After the jurors have been selected, the judge or  
13 ~~circuit court commissioner~~ shall administer to them an oath or affirmation which  
14 shall be substantially in the following form:

15 You do solemnly swear (affirm) that you will diligently inquire and determine  
16 on behalf of this state when, and in what manner and by what means, the person  
17 known as .... ~~who is now dead~~ came to his or her death and that you will return  
18 a true verdict thereon according to your knowledge, according to the evidence  
19 presented, and according to the instructions given to you by the .... (judge) (~~circuit~~  
20 ~~court commissioner~~).

21 **SECTION 937.** 979.05 (5), (6) and (7) of the statutes are renumbered 968.025 (6),  
22 (7) and (8) and amended to read:

23 968.025 (6) ROLE OF DISTRICT ATTORNEY. ~~Prior to the submission of evidence to~~  
24 ~~the jury, the judge or circuit court commissioner may instruct the jury on its duties~~  
25 ~~and on the substantive law regarding the issues which may be inquired into before~~

1 ~~the jury~~ The district attorney shall appear in each inquest, represent the state, and  
2 present all evidence that may be relevant or material to the inquiry of the inquest.

3 The district attorney may, at any time during the course of the inquest, make  
4 statements to the jury relating to procedural or evidentiary matters he or she and  
5 the judge ~~or circuit court commissioner~~ deem appropriate. ~~Section 972.12 applies to~~  
6 ~~the conduct of the inquest jury.~~

7 (7) SECRECY AND SEQUESTRATION. The judge ~~or circuit court commissioner~~  
8 conducting the inquest may order that proceedings be secret if the district attorney  
9 so requests or concurs and may sequester the inquest jury under s. 972.05.

10 (8) JUROR COMPENSATION. Inquest jurors shall receive the same compensation  
11 as jurors under s. 756.25.

12 **SECTION 938.** 979.06 (title), (1), (2) and (5) of the statutes are repealed.

13 **SECTION 939.** 979.06 (3), (4) and (6) of the statutes are renumbered 968.035 (1),  
14 (2) and (3), and 968.035 (1) and (2), as renumbered, are amended to read:

15 968.035 (1) Any witness examined at an inquest may have counsel present  
16 during the examination of that witness. The counsel may consult with a client during  
17 the examination of that client. The counsel may not examine or cross-examine his  
18 or her client, cross-examine or call other witnesses, or argue before the judge ~~or~~  
19 ~~circuit court commissioner~~ holding the inquest.

20 (2) The judge ~~or circuit court commissioner~~ shall administer an oath or  
21 affirmation to each witness ~~which shall be substantially in the following form:~~

22 ~~You do solemnly swear (affirm) that the evidence and testimony you give to this~~  
23 ~~inquest concerning the death of the person known as .... shall be the truth, the~~  
24 ~~whole truth and nothing but the truth and shall cause the testimony given by all~~  
25 witnesses to be reduced to writing or recorded.

1           **SECTION 940.** 979.07 of the statutes is repealed.

2           **SECTION 941.** 979.08 (title) of the statutes is renumbered 968.055 (title).

3           **SECTION 942.** 979.08 (1) of the statutes is renumbered 968.055 (1) and amended  
4 to read:

5           968.055 (1) ~~When the Before submitting evidence is concluded and the~~  
6 ~~testimony closed to the jury in an inquest,~~ the judge or circuit court commissioner  
7 shall may instruct the jury on its duties and on the substantive law regarding the  
8 issues that may be inquired into before the jury. The

9           (2) After all of the evidence is presented, the district attorney shall prepare a  
10 ~~written set of appropriate requested instructions and shall submit them to the judge~~  
11 ~~or circuit court commissioner who, together with the district attorney, a written set~~  
12 ~~of proposed instructions on the jury's duties and on the substantive law regarding~~  
13 ~~the issues inquired into before the jury. The judge shall compile the final set of~~  
14 ~~instructions which shall be given. The instructions shall include those instructions~~  
15 ~~for criminal offenses for which the judge or circuit court commissioner believes a~~  
16 ~~reasonable jury might return a verdict based upon a finding of probable cause. The~~  
17 ~~judge shall use the final instructions to instruct the jury and shall provide the jury~~  
18 ~~with one complete set of them.~~

19           **SECTION 943.** 979.08 (2) of the statutes is repealed.

20           **SECTION 944.** 979.08 (3) (intro.) and (4) of the statutes are consolidated,  
21 renumbered 968.055 (3) (intro.) and amended to read:

22           968.055 (3) (intro.) The jury shall retire to consider its verdict after hearing all  
23 of the testimony and evidence, making all necessary inquiries, and having been  
24 instructed in the law. ~~The judge or circuit court commissioner shall provide the jury~~  
25 ~~with one complete set of written instructions providing the substantive law to be~~

1 ~~applied to the issues to be decided. The verdict shall be in a form which permits the~~  
2 ~~following findings: (4) The jury shall render its verdict shall be based upon a finding~~  
3 ~~of probable cause, be unanimous, and be rendered in writing, signed by all of its~~  
4 ~~members of the jury. The verdict shall set forth its the jury's findings from the~~  
5 ~~evidence produced according to the instructions. The verdict shall be in a form that~~  
6 ~~permits the following findings:~~

7 **SECTION 945.** 979.08 (3) (a) of the statutes is renumbered 968.055 (3) (b) and  
8 amended to read:

9 968.055 (3) (b) Whether the deceased ~~came to his or her death by criminal~~  
10 ~~means died as a result of a crime and, if so, the specific crimes committed and the~~  
11 ~~name of the person or persons, if known, having who committed the crimes.~~

12 **SECTION 946.** 979.08 (3) (b) of the statutes is renumbered 968.055 (3) (a) and  
13 amended to read:

14 968.055 (3) (a) Whether the deceased came to his or her death by natural  
15 causes, accident, suicide, or an act privileged by law.

16 **SECTION 947.** 979.08 (5) of the statutes is renumbered 968.055 (4) and amended  
17 to read:

18 968.055 (4) The inquest jury's verdict ~~delivered by the inquest jury~~ is advisory  
19 and does not preclude or require the issuance of any criminal charges by the district  
20 attorney.

21 **SECTION 948.** 979.08 (6) of the statutes is renumbered 968.055 (5) and amended  
22 to read:

23 968.055 (5) Any verdict so rendered under sub. (4), after being validated and  
24 signed by the judge ~~or circuit court commissioner~~, together with the record of the  
25 inquest, shall be delivered to the district attorney for consideration. After

1 considering the verdict and record, the district attorney may deliver the entire  
2 inquest record or any part thereof of the record to the coroner or medical examiner  
3 for safekeeping.

4 **SECTION 949.** 979.08 (7) of the statutes is renumbered 968.055 (6) and amended  
5 to read:

6 968.055 (6) The Except as provided in s. 971.43, the record of a secret inquest  
7 proceeding shall ~~is~~ not be open for inspection unless so ordered by the judge or circuit  
8 court commissioner conducting the inquest ~~upon petition by the district attorney.~~

9 **SECTION 950.** 979.09 of the statutes is amended to read:

10 **979.09 Burial of body.** If any judge or ~~circuit court commissioner~~ conducts  
11 an inquest as to the death of a stranger or of a person whose identity is unknown or  
12 whose body is unclaimed or if the district attorney determines that no inquest into  
13 the death of such a person is necessary and the ~~circuit~~ judge has not ordered an  
14 inquest under s. ~~979.04~~ 968.015 (2), the coroner or medical examiner shall cause the  
15 body to be decently buried or cremated and shall certify to all the charges incurred  
16 in taking any inquest by him or her and to the expenses of burial or cremation of the  
17 dead body. The charges and expenses shall be audited by the county board of the  
18 proper county and paid out of the county treasury.

19 **SECTION 951.** 979.10 (2) of the statutes is amended to read:

20 979.10 (2) If a corpse is to be cremated, the coroner or medical examiner shall  
21 make a careful personal inquiry into the cause and manner of death, and conduct an  
22 autopsy or order the conducting of an autopsy, if in his or her or the district attorney's  
23 opinion it is necessary to determine the cause and manner of death. If the coroner  
24 or medical examiner determines that no further examination or judicial inquiry is  
25 necessary he or she shall certify that fact. Upon written request by the district

1 attorney the coroner or medical examiner shall obtain the concurrence of the district  
2 attorney before issuing the certification. If the coroner or medical examiner  
3 determines that further examination or judicial inquiry is necessary, he or she shall  
4 notify the district attorney under s. 979.04 968.015 (2).

5 **SECTION 952.** 979.11 of the statutes is amended to read:

6 **979.11 Compensation of officers.** The sole compensation of the coroner and  
7 deputy coroners for attendance at an inquest and for any preliminary investigation  
8 under ~~this chapter~~ ch. 968 at the direction of the district attorney shall be a  
9 reasonable sum set by the county board for each day actually and necessarily  
10 required for the purpose, and a sum set by the county board for each mile actually  
11 and necessarily traveled in performing the duty. Any coroner or deputy coroner may  
12 be paid an annual salary and allowance for traveling expenses to be established by  
13 the county board under s. 59.22 which shall be in lieu of all fees, per diem, and  
14 compensation for services rendered.

15 **SECTION 953.** 979.22 of the statutes is amended to read:

16 **979.22 Autopsies and toxicological services by medical examiners.** A  
17 medical examiner may perform autopsies and toxicological services not required  
18 under this chapter or under subch. I of ch. 968 and may charge a fee established by  
19 the county board for such autopsies and services. The fee may not exceed an amount  
20 reasonably related to the actual and necessary cost of providing the service.

21 **SECTION 954.** 980.015 (2) (c) of the statutes is amended to read:

22 980.015 (2) (c) The anticipated release of a person on conditional release under  
23 s. 971.17 971.85, the anticipated termination of a commitment order under 971.17  
24 s. 971.85, or the anticipated discharge of a person from a commitment order under

1 s. ~~971.17~~ 971.85, if the person has been found not guilty of a sexually violent offense  
2 by reason of mental disease or defect.

3 **SECTION 955.** 980.031 (4) of the statutes is amended to read:

4 980.031 (4) If a party retains or the court appoints a licensed physician,  
5 licensed psychologist, or other mental health professional to conduct an examination  
6 under this chapter of the person's mental condition, the examiner shall have  
7 reasonable access to the person for the purpose of the examination, as well as to the  
8 person's past and present treatment records, as defined in s. 51.30 (1) (b), and patient  
9 health care records as provided under s. 146.82 (2) (cm), past and present juvenile  
10 records, as provided under ss. 48.396 (6), 48.78 (2) (e), 938.396 (10), and 938.78 (2)  
11 (e), and the person's past and present correctional records, including presentence  
12 investigation reports under s. ~~972.15~~ 973.004 (6).

13 **SECTION 956.** 980.036 (2) (c) of the statutes is amended to read:

14 980.036 (2) (c) Evidence obtained in the manner described under s. ~~968.31~~  
15 968.345 (2) (b), if the prosecuting attorney intends to use the evidence at the trial or  
16 proceeding.

17 **SECTION 957.** 980.036 (6) of the statutes is amended to read:

18 980.036 (6) PROTECTIVE ORDER. Upon motion of a party, the court may at any  
19 time order that discovery, inspection, or the listing of witnesses required under this  
20 section be denied, restricted, or deferred, or make other appropriate orders. If the  
21 prosecuting attorney or the attorney for a person subject to this chapter certifies that  
22 listing a witness under sub. (2) (e) or (3) (a) may subject the witness or others to  
23 physical or economic harm or coercion, the court may order that the deposition of the  
24 witness be taken under s. ~~967.04 (2) to (6)~~ 967.21. The name of the witness need not  
25 be divulged prior to the taking of such deposition. If the witness becomes unavailable

1 or changes his or her testimony, the deposition shall be admissible at trial as  
2 substantive evidence.

3 **SECTION 958.** 995.50 (7) of the statutes is amended to read:

4 995.50 (7) No action for invasion of privacy may be maintained under this  
5 section if the claim is based on an act which is permissible under ss. s. 196.63 or  
6 ~~968.27 to 968.373~~ under subch. IV of ch. 968.

7 **SECTION 959. Initial applicability.**

8 (1) This act first applies to prosecutions commenced on the effective date of this  
9 subsection.

10 (2) This act first applies to proceedings, commitments, and requirements  
11 related to offenses committed on the effective date of this subsection.

12 **SECTION 960. Effective date.**

13 (1) This act takes effect on March 1, 2017, or on the day after publication,  
14 whichever is later.

15 (END)